### Punishment Normal Means

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

In 1973, Representative Ronald Dellums (D-Calif.) introduced the first federal handgun prohibition bill.5 It aimed to prevent lawless and irresponsible use of firearms by prohibiting “the importation, manufacture, sale, (p.157) purchase, transfer, receipt, possession, or transportation of handguns.”\* Because the bill prohibited handgun possession, all handgun owners would have to give up their arms or face the consequences. Dellums's prohibition and disarmament bill proposed a $5,000 fine and/or a prison sentence up to five years for persons convicted of possessing handguns or handgun ammunition. Pistol clubs could store handguns for licensed members, but such clubs themselves would have to be licensed by the secretary of the treasury. Firearms could only be transported with the approval of a law enforcement agency. Under Dellums's proposal, handguns could only be sold by licensed dealers and only to licensed pistol club members, importers, manufacturers, and other dealers. Federal and state law enforcement personnel and state licensed security guards would continue to be lawfully armed. The federal government would offer to purchase all privately owned handguns for either $25 or the market value of the gun, whichever was higher.

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We can get a sense of the magnitude of the compliance problem by looking at the success of our current prohibition on possession that applies to persons with a felony record. Hundreds of thousands, perhaps millions, of ex-felons currently possess handguns illegally, despite the federal felonin- possession law's threat of a 10-year maximum federal prison sentence. We can also obtain a perspective on compliance by looking at what happened when, in 1995, several states required registration of assault rifles. In California, only 10% of about 300,000 assault weapons owners registered their weapons.17 Cleveland and Boston achieved an estimated 1% compliance rate. Denver authorities registered 1% of 10,000 assault rifles.18 The estimated 100,000 to 300,000 New Jersey assault rifle owners registered 947 assault rifles, rendered 888 inoperable, and turned over 4 to law enforcement personnel. It should be emphasized that these assault rifle laws were implemented in states that had produced legislative majorities for such gun controls. A federal registration requirement would (p.163) have to be enforced in states where handgun prohibition could not command a legislative majority. In those states, noncompliance would be an even greater problem, and police and prosecutors, charged with enforcing the prohibition, would have to confront jurors’ hostility.\*

Kopel 92 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “Banning Handguns?” Washington Post http://www.davekopel.org/2A/OpEds/OpEdBanGun.htm JW

Possessing newly-illegal handguns, tens of millions of Americans would now be defined as felons, eligible for Senator Chafee's five-year federal prison term[s].

### Misdemeanor CP

#### Counterplan: do the aff, but illegal handgun possession will be treated as a misdemeanor, punishable by $500 and confiscation of the gun.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Perhaps enforcing unpopular, or at least controversial, handgun disarmament could be made easier by setting the punishment low. If illegal possession of a handgun were treated as a misdemeanor or administrative violation, punishable by a small fine, say $250 or $500, jury trials could be avoided altogether. However, under that scheme, people who were (p.165) committed to keeping their handguns would be no more deterred from violating the gun law than from violating the speed limit.

#### The CP is mutually exclusive- they imprison people but I only fine them-it’s a PIC out of your punishment mechanism.

### Prisons DA

#### The plan results mass incarceration making the war on drugs pale in comparison.

Kopel 92 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “Banning Handguns?” Washington Post http://www.davekopel.org/2A/OpEds/OpEdBanGun.htm JW

But while homicides of all types would increase, America would find itself increasingly short of the prison space in which to confine the additional murderers. The drug war (which Senator Chafee enthusiastically supports) is overwhelming the nation's prisons, making it increasingly difficult to confine violent criminals for lengthy terms. In many large cities, the criminal justice system is collapsing under the immense volume of drug prosecutions. The Chafee war on handguns would make the war on drugs look small time. In California, only 20% of gun-owners obeyed a requirement that they register their semi-automatics. In New Jersey, fewer than 2% of owners of "assault weapons" have complied with the legal mandate to surrender their guns. While there are only a few million "assault weapon" owners, about a quarter of all households in the United States contain a handgun. Under the most optimistic compliance scenarios, 15-20% of American households would ignore the handgun ban. Possessing newly-illegal handguns, tens of millions of Americans would now be defined as felons, eligible for Senator Chafee's five-year federal prison term[s]. The number of new "gun criminals" would be at least as large as the current number of "drug criminals."

#### Incarceration is vicious form of structural violence.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Prisons are places of intense brutality, violence, and dehumanization.70 In his seminal study of the New Jersey State Prison, The Society of Captives, sociologist Gresham M. Sykes carefully exposed how the fundamental structure of the modern U.S. prison degrades the inmate’s basic humanity and sense of selfworth. 71 Caged or confined and stripped of his freedom, the prisoner is forced to submit to an existence without the ability to exercise the basic capacities that define personhood in a liberal society.72 The inmate’s movement is tightly controlled, sometimes by chains and shackles, and always by orders backed with the threat of force;73 his body is subject to invasive cavity searches on command;74 he is denied nearly all personal possessions; his routines of eating, sleeping, and bodily maintenance are minutely managed; he may communicate and interact with others only on limited terms strictly dictated by his jailers; and he is reduced to an identifying number, deprived of all that constitutes his individuality.75 Sykes’s account of “the pains of imprisonment”76 attends not only to the dehumanizing effects of this basic structure of imprisonment—which remains relatively unchanged from the New Jersey penitentiary of 1958 to the U.S. jails and prisons that abound today77—but also to its violent effects on the personhood of the prisoner: [H]owever painful these frustrations or deprivations may be in the immediate terms of thwarted goals, discomfort, boredom, and loneliness, they carry a more profound hurt as a set of threats or attacks which are directed against the very foundations of the prisoner’s being. The individual’s picture of himself as a person of value . . . begins to waver and grow dim.78 In addition to routines of minute bodily control, thousands of persons are increasingly subject to long-term and near-complete isolation in prison. The Bureau of Justice Statistics has estimated that 80,000 persons are caged in solitary confinement in the United States, many enduring isolation for years.79

#### The structure of prisons ensures rampant sexual abuse.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

In addition to the dehumanization entailed by the regular and pervasive role of solitary confinement in U.S. jails, prisons, and other detention centers, the environment of prison itself is productive of further violence as prisoners seek to dominate and control each other to improve their relative social position through assault, sexual abuse, and rape. This feature of rampant violence, presaged by Sykes’s account, arises from the basic structure of prison society, from the fact that the threat of physical force imposed by prison guards cannot adequately ensure order in an environment in which persons are confined against their will, held captive, and feared by their custodians.98 Consequently, order is produced through an implicitly sanctioned regime of struggle and control between prisoners.99 Rape, in particular, is rampant in U.S. jails and prisons.100 According to a conservative estimate by the U.S. Department of Justice, 13 percent of prison inmates have been sexually assaulted in prison, with many suffering repeated sexual assaults.101 While noting that “the prevalence of sexual abuse in America’s inmate confinement facilities is a problem of substantial magnitude,” the Department of Justice acknowledged that “in all likelihood the institution-reported data significantly undercounts the number of actual sexual abuse victims in prison, due to the phenomenon of underreporting.”102 Although the Department had previously recorded 935 instances of confirmed sexual abuse for 2008, further analysis produced a figure of 216,000 victims that year (victims, not incidents).103 These figures suggest an endemic problem of sexual violence in U.S. prisons and jails produced by the structure of carceral confinement and the dynamics that inhere in prison settings.

#### The role of the judge is to adopt the best strategy for prison abolition. You have a pedagogical obligation to break away from the prison-industrial-complex.

Rodriguez 10 Dylan (Professor and Chair of the Department of Ethnic Studies at UC Riverside) “The Disorientation of the Teaching Act: Abolition as Pedagogical Position” Radical Teacher, Number 88, Summer 2010, pp. 7-19 University of Illinois Press, Project Muse

Finally, the horizon of the possible is only constrained by one’s pedagogical willingness to locate a particular political struggle (here, prison abolition) within the long and living history of liberation movements. In this context, “prison abolition” can be understood as one important strain within a continuously unfurling fabric of liberationist political horizons, in which the imagination of the possible and the practical is shaped but not limited by the specific material and institutional conditions within which one lives. It is useful to continually ask: on whose shoulders does one sit, when undertaking the audacious identifications and political practices endemic to an abolitionist pedagogy? There is something profoundly indelible and emboldening in realizing that one’s “own” political struggle is deeply connected to a vibrant, robust, creative, and beautiful legacy of collective imagination and creative social labor (and of course, there are crucial ways of comprehending historical liberation struggles in all their forms, from guerilla warfare to dance). While I do not expect to arrive at a wholly satisfactory pedagogical endpoint anytime soon, and am therefore hesitant to offer prescriptive examples of “how to teach” within an abolitionist framework, I also believe that rigorous experimentation and creative pedagogical radicalism is the very soul of this praxis. There is, in the end, no teaching formula or pedagogical system that finally fulfills the abolitionist social vision, there is only a political desire that understands the immediacy of struggling for human liberation from precisely those forms of systemic violence and institutionalized dehumanization that are most culturally and politically sanctioned, valorized, and taken for granted within one’s own pedagogical moment. To refuse or resist this desire is to be unaccountable to the historical truth of our moment, in which the structural logic and physiological technologies of social liquidation (removal from or effective neutralization within civil society) have merged with history’s greatest experiment in punitive human captivity, a linkage that increasingly lays bare racism’s logical outcome in genocide.18 Abolitionist Position and Praxis Given the historical context I have briefly outlined, and the practical-theoretical need for situating an abolitionist praxis within a longer tradition of freedom struggle, I contend that there can be no liberatory teaching act, nor can there be an adequately critical pedagogical practice, that does not also attempt to become an abolitionist one. Provisionally, I am conceptualizing abolition as a praxis of liberation that is creative and experimental rather than formulaic and rigidly programmatic. Abolition is a “radical” political position, as well as a perpetually creative and experimental pedagogy, because formulaic approaches cannot adequately apprehend the biopolitics, dynamic statecraft, and internalized violence of genocidal and proto-genocidal systems of human domination. As a productive and creative praxis, this conception of abolition posits the material possibility and historical necessity of a social capacity for human freedom based on a cultural-economic infrastructure that supports the transformation of oppressive relations that are the legacy of genocidal conquest, settler colonialism, racial slavery/capitalism,19 compulsory hetero-patriarchies, and global white supremacy. In this sense, abolitionist praxis does notsingularly concern itself with the “abolition of the prison industrial complex,” although it fundamentally and strategically prioritizes the prison as a central site for catalyzing broader, radical social transformations. In significant part, this suggests envisioning and ultimately constructing “a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscape of our society.”20 In locating abolitionist praxis within a longer political genealogy that anticipates the task of remaking the world under transformed material circumstances, this position refracts the most radical and revolutionary dimensions of a historical Black freedom struggle that positioned the abolition of “slavery” as the condition of possibility for Black—hence “human”—freedom. To situate contemporary abolitionism as such is also to recall the U.S. racist state’s (and its liberal allies’) displacement and effective political criminalization of Black radical abolitionism through the 13th Amendment’s 1865 recodification of the slave relation through the juridical reinvention of a racial-carceral relation: Given the institutional elaborations of racial criminalization, policing, and massive imprisonment that have prevailed on the 13th Amendment’s essential authorization to replace a regime of racist chattel slavery with racist carceral state violence, it is incumbent on the radical teacher to assess the density of her/his entanglement in this historically layered condition of [End Page 15] violence, immobilization, and capture. Prior to the work of formulating an effective curriculum and teaching strategy for critically engaging the prison industrial complex, in other words, is the even more difficult work of examining the assumptive limitations of any “radical pedagogy” that does not attempt to displace an epistemological and cultural common sense in which the relative order and peace of the classroom is perpetually reproduced by the systemic disorder and deep violence of the prison regime. In relation to the radical challenging of common sense discussed above, another critical analytical tool for building an abolitionist pedagogy entails the rigorous, scholarly dismantling of the “presentist” and deeply ahistorical understanding of policing and prisons. Students (and many teachers) frequently enter such dialogues with an utterly mystified conception of the policing and prison apparatus, and do not generally understand that 1) these apparatuses in their current form are very recent creations, and have not been around “forever”; and 2) the rise of these institutional forms of criminalization, domestic war, and mass-scale imprisonment forms one link in a historical chain of genocidal and proto-genocidal mobilizations of the racist state that regularly take place as part of the deadly global process of U.S. nation-building. In other words, not only is the prison regime a very recent invention of the state (and therefore is neither a “permanent” nor indestructible institutional assemblage), but it is institutionally and historically inseparable from the precedent and contemporaneous structures of large-scale racist state violence. Asserting the above as part of the core analytical framework of the pedagogical structure can greatly enable a discussion of abolitionist possibility that thinks of the critical dialogue as a necessary continuation of long historical struggles against land conquest, slavery, racial colonialism, and imperialist war. This also means that our discussions take place within a longer temporal community with those liberation struggles, such that we are neither “crazy” nor “isolated.” I have seen students and teachers speak radical truth to power under difficult and vulnerable circumstances based on this understanding that they are part of a historical record. I have had little trouble “convincing” most students—across distinctions of race, class, gender, age, sexuality, and geography—of the gravity and emergency of our historical moment. It is the analytical, political, and practical move toward an abolitionist positionality that is (perhaps predictably) far more challenging. This is in part due to the fraudulent and stubborn default position of centrist-to-progressive liberalism/reformism (including assertions of “civil” and “human” rights) as the only feasible or legible response to reactionary, violent, racist forms of state power. Perhaps more troublesome, however, is that this resistance to engaging with abolitionist praxis seems to also derive from a deep and broad epistemological and cultural disciplining of the political imagination that makes liberationist dreams unspeakable. This disciplining is most overtly produced through hegemonic state and cultural apparatuses and their representatives (including elected officials, popular political pundits and public intellectuals, schools, family units, religious institutions, etc.), but is also compounded through the pragmatic imperatives of many liberal and progressive nonprofit organizations and social movements that reproduce the political limitations of the [End Page 16] nonprofit industrial complex.22 In this context, the liberationist historical identifications hailed by an abolitionist social imagination also require that such repression of political-intellectual imagination be fought, demystified, and displaced. Perhaps, then, there is no viable or defensible pedagogical position other than an abolitionist one. To live and work, learn and teach, and survive and thrive in a time defined by the capacity and political willingness to eliminate and neutralize populations through a culturally valorized, state sanctioned nexus of institutional violence, is to better understand why abolitionist praxis in this historical moment is primarily pedagogical, within and against the “system” in which it occurs. While it is conceivable that in future moments, abolitionist praxis can focus more centrally on matters of (creating and not simply opposing) public policy, infrastructure building, and economic reorganization, the present moment clearly demands a convening of radical pedagogical energies that can build the collective human power, epistemic and knowledge apparatuses, and material sites of learning that are the precondition of authentic and liberatory social transformations. The prison regime is the institutionalization and systemic expansion of massive human misery. It is the production of bodily and psychic disarticulation on multiple scales, across different physiological capacities. The prison industrial complex is, in its logic of organization and its production of common sense, at least proto-genocidal. Finally, the prison regime is inseparable from—that is, present in—the schooling regime in which teachers are entangled. Prison is not simply a place to which one is displaced and where one’s physiological being is disarticulated, at the rule and whim of the state and its designated representatives (police, parole officers, school teachers). The prison regime is the assumptive premise of classroom teaching generally. While many of us must live in labored denial of this fact in order to teach as we must about “American democracy,” “freedom,” and “(civil) rights,” there are opportune moments in which it is useful to come clean: the vast majority of what occurs in U.S. classrooms—from preschool to graduate school—cannot accommodate the bare truth of the proto-genocidal prison regime as a violent ordering of the world, a primary component of civil society/school, and a material presence in our everyday teaching acts. As teachers, we are institutionally hailed to the service of genocide management, in which our pedagogical labor is variously engaged in mitigating, valorizing, critiquing, redeeming, justifying, lamenting, and otherwise reproducing or tolerating the profound and systemic violence of the global-historical U.S. nation building project. As “radical” teachers, we are politically hailed to betray genocide management in order to embrace the urgent challenge of genocide abolition. The short-term survival of those populations rendered most immediately vulnerable to the mundane and spectacular violence of this system, and the long-term survival of most of the planet’s human population (particularly those descended from survivors of enslavement, colonization, conquest, and economic exploitation), is significantly dependent on our willingness to embrace this form of pedagogical audacity.

### Court Clog DA

#### Courts are overworked in the squo—judges are at the edge and one big push collapses the judiciary.

Gersham 15 Jacob Gershman “Federal Judge Says His Overworked Colleagues Bench Close to Burnout” Wall Street Journal November 12th 2015

Judges in federal trial courts have for some time expressed concern about the ever-growing backlog of civil cases. The workload complaint from the judiciary appears to be getting more urgent. The chief judge of the U.S. District Court for the Eastern District of California says he fears his colleagues are reaching a breaking point. In an interview with a local news channel, Chief U.S. District Judge Morrison England said he and the five other judges on his bench are sometimes working more than 80 hours a week trying to make a dent in the pile of pending cases. “The active judges that I’ve spoken to are starting to say, ‘I don’t want to do this anymore,’ or they’re leaving the bench, because it’s just too much,” Judge England told KCRA 3 in Sacramento. “We’re doing everything we possibly can to try to come up with new and inventive ways to get the cases out. But, we’re at a crisis point.” The number of cases filed per judge in California’s Eastern District has been almost twice the national average, according to recent statistics.

#### Most people own handguns and would nullify strong gun control-also terminal defense to aff solvency.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Impediments to More Gun Controls” 2004 Oxford Scholarship Online JW

U.S. federalism, a large and entrenched gun subculture, the lobbying strength of the NRA, and the widespread belief of millions of Americans that the Constitution guarantees their right to keep and bear arms pose major political obstacles to the passage of federal gun controls, other than those directed at punishing criminal use of guns. Beyond that, the fervent belief by a large percentage of gun owners that gun controllers ultimately intend to confiscate all personal firearms means that if any strong gun controls were enacted, they would encounter widespread noncompliance and resistance, including jury nullification. Since approximately 45% of American households contain a firearm, there is nearly a 100% chance that every 12-person jury will contain at least one gun owner, which is all that would be needed to prevent conviction.

#### Jury nullification causes court clog-turns trials into legislative debates.

Frothingham 10 Stephen Frothingham (Associated Press) “Allowing juries to judge law ?disastrous?” posted May 21st 2003, updated December 17th 2010 http://www.seacoastonline.com/article/20030521/News/305219985

New Hampshire would become the only state with jury instructions allowing so-called jury nullification, which also is banned in federal courts. The Senate judiciary committee voted 3-2 on Tuesday to not support passage of the bill, which has passed the House. Judges would have to give the jury instruction if the defense requested it, which legal experts said would be almost every time. Proponents said empowering juries would keep the three branches of government in check. "The people are the ultimate source of our operation as a government," the bill's sponsor, Rep. Richard Marple, R-Hooksett, told a state Senate committee on Tuesday. However, prosecutors, police and court officials said the bill would tip the scales of justice too far toward the defendant and clog the court system with more trials, longer trials, and mistrials. "The practical application of this bill would be disastrous upon our criminal justice system," Attorney General Peter Heed told the committee. Heed said the bill would turn trials into "mini-referendums" on laws. He noted that while the Legislature passes laws by a simple majority, prosecutors would have to get the unanimous support of the jury to convict someone under the law.

#### The plan has massive non-compliance which wrecks the CJS with increased trials and imprisonment- that’s Kopel 92 from the prisons disad.

#### Federal court clog collapses the federal judiciary – overburdens dockets, expansion can't keep pace.

Oakley 96 John B. Oakley, Distinguished Professor of Law Emeritus US Davis School of Law, 1996 The Myth of Cost-Free Jurisdictional Reallocation

Personal effects: The hidden costs of greater workloads. The hallmark of federal justice traditionally has been the searching analysis and thoughtful opinion of a highly competent judge, endowed with the time as well as the intelligence to grasp and resolve the most nuanced issues of fact and law. Swollen dockets create assembly-line conditions, which threaten the ability of the modern federal judge to meet this high standard of quality in federal adjudication. No one expects a federal judge to function without an adequate level of available tangible resources: sufficient courtroom and chambers space, competent administrative and research staff, a good library, and a comfortable salary that relieves the judge from personal financial pressure. Although salary levels have lagged—encouraging judges to engage in the limited teaching and publication activities that are their sole means of meeting such newly pressing financial obligations as the historically high mortgage expenses and college tuitions of the present decade—in the main, federal judges have received a generous allocation of tangible resources. It is unlikely that there is any further significant gain to be realized in the productivity of individual federal judges through increased levels of tangible resources,13 other than by redressing the pressure to earn supplemental income.14 On a personal level, the most important resource available to the federal judge is time.15 Caseload pressures secondary to the indiscriminate federalization of state law are stealing time from federal judges, shrinking the increments available for each case. Federal judges have been forced to compensate by operating more like executives and less like judges. They cannot read their briefs as carefully as they would like, and they are driven to rely unduly on law clerks for research and writing that they would prefer to do themselves.16 If federal judges need more time to hear and decide each case, an obvious and easy solution is to spread the work by the appointment of more and more federal judges. Congress has been generous in the recent creation of new judgeships,17 and enlargement of the federal judiciary is likely to continue to be the default response, albeit a more grudging one, to judicial concern over the caseload consequences of jurisdictional reallocation. Systemic effects: The hidden costs of adding more judges. Increasing the size of the federal judiciary creates institutional strains that reduce and must ultimately rule out its continued acceptability as a countermeasure to caseload growth. While the dilution of workload through the addition of judges is always incrementally attractive, in the long run it will cause the present system to collapse. I am not persuaded by arguments that the problem lies in the declining quality of the pool of lawyers willing to assume the federal bench18 or in the greater risk that, as the ranks of federal judges expand, there will be more frequent lapses of judgment by the president and the Senate in seating the mediocre on the federal bench.19 In my view, the diminished desirability of federal judicial office is more than offset by the rampant dissatisfaction of modern lawyers with the excessive commercialization of the practice of law.

#### Separation of power solves unaccountable decisions to go to war – causes extinction.

Adler 96 (David, professor of political science at Idaho State, The Constitution and Conduct of American Foreign Policy, p. 23-25)

The structure of shared powers in foreign relations serves to deter the abuse of power, misguided policies, irrational action, and unaccountable behavior. As a fundamental structural matter, the emphasis on joint policymaking permits the airing of sundry political, social, and economic values and concerns. In any event, the structure wisely ensures that the ultimate policies will not reflect merely the private preferences or the short-term political interests of the president. Of course this arrangement has come under fire in the postwar period on a number of policy grounds. Some critics have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth-century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of massive destruction in a very short period of time. Extollers of presidential dominance have also contended that only the president has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy. These policy arguments have been reviewed, and discredited, elsewhere; space limitations here permit only a brief commentary. Above all else, the implications of U.S. power and action in the twentieth century have brought about an even greater need for institutional accountability and collective judgment that existed 200 years ago. The devastating, incomprehensible destruction of nuclear war and the possible extermination of the human race demonstrate the need for joint participation, as opposed to the opinion of one person, in the decision to initiate war. Moreover, most of the disputes at stake between the executive and legislative branches in foreign affairs, including the issues discussed in this chapter, have virtually nothing to do with the need for rapid response to crisis. Rather, they are concerned only with routine policy formulation and execution, a classic example of the authority exercised under the separation of powers doctrine. But these functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable. In the wake of Vietnam, Watergate, and the Iran-Contra scandal, unilateral executive behavior has become even more difficult to defend. Scholarly appraisals have exploded arguments about intrinsic executive expertise and wisdom on foreign affairs and the alleged superiority of information available to the president. Moreover, the inattentiveness of presidents to important details and the effects of “group-think” that have dramatized and exacerbated the relative inexperience of various presidents in international relations have also devalued the extollers arguments. Finally, foreign policies, like domestic policies, are a reflection of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress

## Prisons Impx

### Ableism NB

#### Prisons cause mass suffering for differently abled people.

Arkles 13 Gabriel Arkles. GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL. (Associate Academic Specialist at Northeastern University School of Law). Southwestern Law Review. Vol. 42. [www.swlaw.edu/pdfs/lr/42\_4\_arkles.pdf](http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf) (2013). NP 1/4/16.

The violence of incarceration can produce mental illness through a number of means. The relationship of incarceration to mental illness and other forms of disability is complex, as Beth Ribet explains.170 Ableism can make disabled people, including mentally ill people, more likely to be incarcerated and more likely to be targeted for violence such as prison rape once incarcerated.171 At the same time, disability, including mental illness, can be a consequence of getting raped in prison.172 Trans people of color and queer women of color are particularly vulnerable to prison rape. The rates of sexual assault for trans women in men’s prisons is thirteen times higher than the overall rates of sexual assault in men’s prisons.173 Rates of sexual assault are substantially higher in women’s prisons—where most trans men and cisgender queer women are incarcerated—than in men’s prisons.174 People of color are not only disproportionately incarcerated as compared to white people, but also may be targeted for sexual assault while in prison on the basis of their race.175 post-traumatic stress disorder is only one of the psychiatric conditions that can result or intensify from rape. The continuation of the conditions that caused the problem in the first place and the lack of quality, consensual mental health care in carceral settings severely impedes recovery.176 Trans and queer people of color are also highly likely to be placed in isolation in carceral settings, with potentially catastrophic mental health consequences.177 One trans woman who had been beaten by a guard wrote to the Office of Mental Health: “I’m having a nurvous [sic] breakdown, because my facial hair is growing, and I was deprived a shower and razor, all cause a officer smashes a woman’s [my] face into a wall.”178

### Masculinity NB

#### Incarceration massively increases reliance on hyper-masculinity as the crux of individual identity, in order to fit into the social order within prisons.

Karp 10, David R. (a Interim Associate Dean of Student Affairs and Associate Professor of Sociology, Skidmore College. Correspondence for this article should be sent to David R. Karp, Interim Associate Dean of Student Affairs, Skidmore College, Saratoga Springs, NY 12866.) UNLOCKING MEN, UNMASKING MASCULINITIES: DOING MEN’S WORK IN PRISON. https://www.skidmore.edu/campuslife/karp/journal-articles/Unlocking-Masculinities.pdf The Journal of Men’s Studies, Vol. 18, No. 1, Winter 2010, 63-83. © 2010 by the Men’s Studies Press, LLC. NP 1/15/16.

According to Goffman (1961), prison is a “total institution” because all aspects of inmate life are conducted in the same place and under the same authority; much of the activity is conducted in groups and in tightly scheduled, prescribed, and similar ways; and organized with deference to the aims of the institution rather than varied by the particular needs of individual members. Constructions of masculinity in prison develop within a homosocial total institution. While multiple masculinities are present in prison, 65 UNLOCKING MEN, UNMASKING MASCULINITIES the dominant construction intensifies several elements of hegemonic masculinity. “Although various types of masculinity are adopted to counter some aspects of marginalization (scholar, skilled tradesman, and expert in legal matters and prisoners’ rights are common examples), an extreme construction of masculinity as an identity position is the most universal response to the imperative to conform to the lower working-class dominated prison culture” (Jewkes, 2005, p. 61). Hypermasculinity is reflected in the norms of inmates, often called the “prison code” (Sabo, Kupers, & London, 2001): Suffer in silence. Never admit you are afraid…. Do not snitch…. do not do anything that will make other prisoners think you are gay, effeminate, or a sissy. Act hard…. Do not help the authorities in any way. Do not trust anyone. Always be ready to fight, especially when your manhood is challenged…. One way to avoid a fight is to look as though you are willing to fight. As a result, prisoners lift weights compulsively, adopt the meanest stare they can muster, and keep their fears and their pain carefully hidden beneath a well-rehearsed tough-guy posture. (pp. 10-11) Inside prison, masculinity resources are severely limited. Inmates have the lowest status in the wider society, are without work, have little or no money, are unable to express heterosexuality, have no distinctive clothing, little autonomy, no freedom, and are likely to be poorly educated and from a racial or ethnic minorit[ies]y. Thus male inmates seeking interactional confirmation of their masculine status are much less able to exploit the standard cultural markers of hegemonic masculinity: socio-economic status, a reputable profession, fashionable clothing, independence, whiteness, and heterosexuality. In conditions of scarcity, fierce competition for status intensifies the construction and reconstruction of male identity. “Without the resources normally available for the enactment of manhood, men in prison are forced to reconstitute their identity and status using the limited available resources” (Phillips, 2001, p. 13). Ethnographic accounts have identified the following common strategies to obtain status, some that generalize across settings in the United States (Phillips, 2001), England (Jewkes, 2005), and India (Bandyopadhyay, 2006). Each of these strategies intensifies the hegemonic expression of gender into a form of hypermasculinity, so much so that it approaches a “caricature of masculinity” (Toch, 1998, p. 172). Wearing a Mask Inmates believe it is necessary to present a hypermasculine public façade that may conflict with a more nuanced private self-identity. “The public persona that individuals present when interacting with others inside prison may be a familiar guise, constructed and refined through a long process of socialization into male-dominated subcultures as a child, adolescent, and adult” (Jewkes, 2005, p. 54). Various metaphors are used, such as mask or armor, to emphasize a distinction between a public and private identity. The armor protects the inmate from revealing vulnerabilities, weaknesses, and other qualities that might undermine a hypermasculine identity. 66 KARP Capacity for Violence Inmates can establish their manhood by taking action, usually physical aggression, against another who they believe has wronged them. Development of the physical body and fighting skills help establish the public edifice as invulnerable and threatening (Sabo, 2001). As one inmate observed, There are certain actions and moods one has to project…. Men threaten one another daily. A man disrespects you, and in return you threaten him. Someone cuts in line in front of you, so you must threaten him…. To save face, and thus your future existence in prison, you have to fight. Kindness is weakness, gentleness is weakness. Care is weakness, sadness is weakness, and love is weakness. (Carceral, 2004, pp. 28, 35, 36)

#### This leads to valorization of violence and violent crimes, perpetuation of crimes in the real world, and prevention of reintegration into society for prisoners

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Race is tightly bound with social stratification and segregation in American society (Massey & Denton, 1993), and racial tension persists in the prison setting where low-income, minority males are disproportionately represented. Among minority males, expressions of hypermasculinity may be used “as a defensive strategy to counter their feelings of marginality” (Gibbs & Merighi, 1994, p. 80). Inmates are often stratified by race, but also by the kinds of crimes they committed. Some crimes are masculinity resources, while others are liabilities. Crimes that imply toughness or rebelliousness, such as being a “cop killer,” are a masculine resource that can enhance status. Although all crimes are exploitive, the weaker or more vulnerable the victim, the less status it accords. Raping or killing a woman or a child is afforded the lowest status. “It was as if the weakness of the victim inhabited the perpetrator and made him weak ... killing a 67 UNLOCKING MEN, UNMASKING MASCULINITIES weaker person was perceived by the prisoners as an emasculation of the masculine self” (Bandyopadhyay, 2006, p. 190). Inmate hierarchies are established using the masculine resources available, primarily by hiding vulnerability and expressing physical dominance over other men, and reinforced by criminal history. Redefining Prison Masculinity In a literature review of men’s self help groups by Mankowski and Silvergleid (1999-2000, p. 283), hegemonic masculinity in American culture has been found to “contradict basic human needs and desires for intimacy and emotional expression, creating stress and conflict between men’s core selves and social expectations.” This contradiction is intensified in prison as the gender strategies enacted for survival in prison are also criminogenic risk factors that limit inmates’ likelihood of successful societal reintegration. Indeed, successful reentry is rare. Sixty-seven percent of former inmates are rearrested within three years of release, and 52 percent are reincarcerated (Petersilia, 2003, p. 140). Toch (1998) argues that hypermasculinity may serve short-term goals in prison, but is unsustainable and ultimately counter-productive. “Sooner or later, hypermasculine men must age and must face their decreased capacity and propensity for violence” (p. 174). As their hypermasculine resources diminish, inmates face depression, hopelessness, and may resort to violent and suicidal escapist fantasies—a “pseudo-reparative script”—in which an inmate “believes that he can save the meaning of his life by heroically losing it” (p. 175). Given the long duration of many inmates’ sentences, Toch proposes programming to address hypermasculinity and especially include men who are experiencing diminishing masculine resources because they would be the most receptive to and in need of an alternative conception of masculine identity. Surprisingly, given the rise of men’s studies and masculinities research in criminology, almost no attention is given to interventions that help inmates redefine masculinity in a way that will help them succeed upon reentry. If limited, distorted adaptation to manhood is a major source of crime, if prison culture exacerbates this problem, then how would researchers and practitioners design interventions to specifically isolate “hypermasculine” risk factors and alter them? What would such interventions look like programmatically?

This outweighs: **A.** severity- violence becomes the crux of identity rather than something people feel just while carrying guns. **B.** reversibility- individuals can give up their guns, but hyper-masculine values lead to high recidivism so people get put back in prison- those impacts are ingrained permanently **C.** strength of link- takes out the aff offense since people will see the government as contradictory by rejecting violence but forcing people to live violent lives- no one internalizes the aff values. That’s empirically confirmed- high recidivism proves nobody cares about the aff. **D.** Strength of link – your solvency is empirically denied since people are more violent when they leave jail.

#### Sexist policies in the prison system spill-over into the law and reinforce gender stereotypes.

Buchanan 3. BEYOND MODESTY: PRIVACY IN PRISON AND THE RISK OF SEXUAL ABUSE KIM SHAYO BUCHANAN\*J.S.D. Candidate, Columbia. LL.B. University of Toronto, 1995; LL.M. Columbia 2003. <http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1038&context=mulr>

They observe, accurately, that the **differential protection accorded to** the **bodily privacy interests of** male and female **prisoners rests on the discriminatory assumption that "men, who are socialized to take on harsh situations, are not negatively affected by being viewed by women.** **This conclusion** rests in part **on the** societal **view that men** are not and **cannot be threatened by women even if they hold** the **power** in the situation."' 94 **The "stereotype" of male sexual aggressiveness and female sexual vulnerability in prisons,** Miller argues, **is harmful** because **judges are "writing rules around the fact that 'boys will be boys'** **rather than facilitating a culture change** within prisons

This outweighs: **A.** Scope – it impacts all forms of legislation, and the way in which its enforced, **B.** Root cause – guns aren’t intrinsically bad, rather, they play into preexisting stereotypes about male power, but if you don’t fix the existing ideology, they will reaffirm sexist beliefs in other ways, which also means I outweigh on strength of link. **C.** Magnitude – power disparities in prison magnify preexisting biases

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In response, Weiser's quote from MacKinnon is apposite: "'Iam merely telling it as it is."'169 "**Perpetrators of sexual abuse against females are almost exclusively male.**, 170 "Disheartening" though it may be, the reality of the continuing abuse of women prisoners cannot be theorized away. As Miller acknowledges, **The power disparity that exists between men and women in society is magnified within the rigidly hierarchical and closed prison apparatus. Power is sexualized in prison. Because prison guards exercise near total authority over prisoners, the potential for male guards to abuse their** legitimate **access to women's** bodies to conduct bodily searches of women and to visually monitor them nude or only partially dressed in ways that are overtly sexual **is great.­ When women prisoners are being sexually abused by guards, they *are* "powerless and subject to the authority of men.''** 72

programmatically?

### Militarism NB

#### The prison industrial complex reinforces militarism- vote neg to acknowledge that any resistance for militarism must reject the prison system.

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Finally, due to its roots in Eisenhowerʼs military-industrial complex, the concept provides a framework within which to identify connections between military aggression and mass incarceration. Arguing that “we are witnessing the consolidation of a powerful military-security-prison-industrial complex that is driving an agenda of policing and aggression at home and abroad,” activists in A World Without Prisons 17 Arizona have highlighted the connections between militarism and prisons, from the use of prison sentences to undermine peace activism to the deployment of technology and weaponry developed by the arms industry inside prisons (Arizona Prison Moratorium Coalition, 2003). Angela Davis suggests further that the two systems share important structural features, producing vast profits out of immense social destruction and transforming public funds into private profits (Davis and Shaylor, 2001: 3). An analysis of the connections between militarism and prisons is critical if we are to build an effective anti-imperialist movement to oppose U.S. military aggressio**n** and occupation. At the same time, for the prison abolitionist movement to maintain its momentum at a time of brutal and unjust wars, we must develop an integrated analysis of war, imperialism, and mass incarceration. In the following section, I consider Iraq as a case study of the synergy between the military and prison-industrial complex.

#### Turns case- the logic of the prison furthers US military aggression.

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The failure to locate weapons of mass destruction in Iraq, and indications that British and U.S. politicians knowingly exaggerated intelligence reports about the potential threat posed by the Hussein regime, have demonstrated that the “war on terror” is not driven primarily by the desire to rid the world of the threat of terrorism. Though antiwar posters that read “No Blood for Oil” accurately identi- fied U.S. corporate and state interests in controlling Iraqi oil deposits, the wars in Afghanistan and Iraq were not waged simply to feed the U.S. addiction to fossil fuels. Rather, contemporary U.S. military interventions have the sweeping goal of establishing a new world order based on neoliberal globalization. In 2001, two years after the battle for Seattle brought the anti-globalization movement into the spotlight, the imperial project of remaking the global economy for U.S. corporate interests was on shaky footing. The anti-globalization movement was at a highpoint, leading world economic and political elites to meet in ever more secluded locations. Argentina, the Washington Consensus poster child, was in the midst of an economic crisis that would ultimately lead to a popular uprising and the resignation of neoliberal President Fernando de la Rúa. The failure of IMF-led economic restructuring to bring stability or prosperity to global South nations, combined with popular insurgencies against free trade and neoliberal economic prescriptions, presaged the possible collapse of the Washington Consensus and with it, U.S. global political and economic hegemony. Between the Seattle uprisings and September 11, 2001, the G8 and corporate elites were on the defensive, forced into the position of trying to put a kinder face on free trade and repackaging the World Trade Organization and IMF as agencies dedicated to poverty reduction and debt relief for highly indebted nations. However, the bloody attacks of September 11 provided the ideological fodder for a new aggressive stance. Reinterpreted as an offensive against the people of the United States, rather than one against the symbols of U.S. capitalism and militarism, 18 SUDBURY the September 11 attacks turned “average Americans” against their counterparts outside U.S. borders. With popular support at home for violent retribution and repression around the world, the Bush administration was given free reign to replace any regime hostile to the vision of a world dominated by U.S. economic interests with puppet regimes. Bushʼs National Security Strategy spells out these military goals. The U.S. military, it declares, will “ignite a new era of global economic growth through free markets and free trade” (U.S. National Security Council, 2002: Section VI). Indeed, as the reconstruction of Iraq continues, “Operation Iraqi Freedom” will perhaps be relabeled “Operation Iraqi Free Trade.” For as Naomi Klein (2003) points out, Iraq has become “a blank slate on which the most ideological Washington neoliberals can design their dream economy: fully privatized, foreign-owned, and open for business.” The elimination of regulations limiting foreign ownership of Iraqi companies and infrastructure, ostensibly to encourage foreign investors to assist with reconstruction efforts, is the first step in the radical opening of Iraq to the global economy. U.S. administrators are pursuing this radical economic surgery, despite the fact that the same process in the former Soviet Union resulted in rampant poverty, social instability, and the rise of organized crime. Iraqi protestors taking to the streets shortly after the fall of Baghdad were more succinct. Their slogan, “We will not sell out our country,” suggested that the Iraqi people were at risk of being “sold out” and “sold off.” U.S. corporations, many with senior political connections to the Bush administration, are the major beneficiaries of the reconstruction effort. Just as the war itself boosted the stock of the U.S. arms industry and private military companies, the rebuilding of Iraq has generated multimillion-dollar contracts for U.S. oil and manufacturing companies. The Bush administration has rejected the idea of a permanent colonial presence in Iraq, but this is hardly necessary for the neoliberal transformation of Iraq. With U.S.-headquartered multinationals receiving a monopoly on rebuilding roads, bridges, water and sewage plants, communications systems, and other infrastructure, it is clear that Iraq will have become a neocolonial outpost long before the last U.S. troops are withdrawn (Ridgeway, 2003). The war against Iraq, and the war on terror in general, reflects a Bush administration decision to use military force to do what the Clinton regime and IMF did through diplomacy, free trade agreements, and the carrot and stick of Third World debt — creating new markets for the U.S. capitalist elite. In this sense, regime change in Iraq is the first step toward establishing a free trade area sympathetic to the U.S. in the region. This “U.S.-Middle East Free Trade Area” would join NAFTA, NEPAD, and the much-contested FTAA in remaking the world for U.S. multinational capital (U.S. Department of State, 2003). A little noted aspect of the Iraqi occupation has been the centrality of images of crime in generating the aura of legitimacy for U.S. intervention. **During the invasion** and in the immediate aftermath, while U.S. troops were posing for photo opportunities with “grateful” liberated Iraqis, **looters were raiding hospitals,** A World Without Prisons 19 museums, and libraries and removing priceless antiquities. Although the U.S. authorities in Iraq turned a blind eye during the worst of the looting, suggesting that a repressed people were “letting off steam,” this attitude swiftly hardened when U.S. troops, allies, and infrastructure became a target. When a plethora of groups opposing the occupation — from Baʼathists to Sunni and Shia religious followers — began to take violent direct action, paternalism was replaced with a tough, punitive attitude toward these “criminals and terrorists.” Blaming the violence on “criminals” released by Hussein from Iraqi prisons during the invasion, the U.S. administration sought to mask the extent to which gun violence, armed militias, and a pandemic of violence against women w[as]ere a direct consequence of the vacuum created by an occupying power with little legitimacy on the streets. At the same time, the focus on “terrorists” and foreign opportunists distracted attention from a growing resistance movement (Ali, 2003). The criminalization of dissent in Iraq has proceeded so rapidly that Paul Bremerʼs $87 billion dollar reconstruction budget announced in September 2003, just four months after the official end of the war, included $400 million for two 4,000-bed prisons. The replacement of the dilapidated prisons of the Hussein era with U.S.-style multimillion-dollar high-tech superjails will inevitably bring U.S. headquartered private prison corporations into the lucrative reconstruction business. Facilities housing thousands of prisoners, known as “superjails,” are common in the U.S., yet most other nations have not traditionally constructed these massive structures. The architecture of the superjail is indicative of a particular philosophy of crime and punishment. In the past 20 years, three principles have underpinned penal expansion in the U.S.: penal incapacitation, deterrence, and fiscal efficiency. Rather than conceptualize prisons as places where rehabilitation should take place to prepare a prisoner for reentry into society, the workplace, and family life, “new generation” prisons were designed to meet three goals. First, they should permit the removal from society and warehousing of large numbers of population groups that are considered to be at high risk of committing crime — working-class black and Latino young men and women in particular. Conservative criminologists suggested that the U.S. would need to increase its prison population dramatically to make crime-ridden cities safe (Zimring and Hawkins, 1991: 89–115). Sentencing models like three-strikes-and-youʼre-out and mandatory minimum sentences were premised on the idea that the criminal justice system should incapacitate “career criminals,” taking them off the streets before they committed a(nother) crime. Second, new generation of prisons was designed to offer a harsh environment that would act as a deterrent to those considering “a life of crime.” Prisons providing educational programs, recreation activities, a decent diet, and adequate healthcare were considered to be “hotels” that did little to scare the inmate straight. Instead, the new prisons were to be austere environments with “no frills.” Sheriff Jo Arpaioʼs Maricopa county jail, where inmates are kept in tents in the 110-degree Arizona desert heat and made to work on chain gangs, is 20 SUDBURY the ultimate “no frills” jail. New generation prisons mirrored this philosophy with austere concrete, steel, and glass environments designed to facilitate control and surveillance rather than meaningful activity or social interaction. Third, these new prisons should cost as little as possible to incarcerate the maximum number of prisoners possible. Thus, savings were made in the design of prisons, with embedded technology such as video surveillance that permitted reduction in staffing ratios. This appearance of cost efficiency served to mask the real cost to the public of punitive penal policies, enabling legislators who otherwise favored low taxes and small government to appear fiscally responsible while spending millions of dollars to incarcerate nonviolent offenders and drug addicts. The construction of two 4,000-bed prisons in Iraq is an indication that the Bush administration plans to remake the countryʼs criminal justice system in the image of the U.S. gulag, using incapacitation and deterrence to enforce compliance by a devastated and insurgent population. Given the role of U.S. prisons in warehousing disenfranchised populations and generating corporate profits, it should come as little surprise that the U.S. quasi-colonial administration would need superjails as an integral part of the new “open for business” Iraq. Prison construction and the construction and management of “crime” are thus central to U.S. militarism and empire building.

#### The aff’s assumption of sending people to prison causes all of their impacts by justifying social control in other countries.

**Rodriguez 7** Dylan Rodriguez, University of California, Riverside .AMERICAN GLOBALITY AND THE U. S. PRISON REGIME: STATE VIOLENCE AND WHITE SUPREMACY FROM ABU GHRAIB TO STOCKTON TO BAGONG DIWA. Kritika Kultura, Issue 9, November 2007 49

Further, in offering this initial attempt at such a framing, I am suggesting a genealogy of U.S. state violence that can more sufficiently conceptualize the logical continuities and material articulations between a) the ongoing projects of domestic warfare organic to the white supremacist U.S. racial state, and b) the array of “global” (or extra- domestic) technologies of violence that form the premises of possibility for those social formations and hegemonies integral to the contemporary moment of U.S. global dominance. In this sense, I am amplifying the capacity of the U.S. prison to inaugurate technologies of power that exceed its nominal relegation to the domain of the criminal-juridical. **Consider imprisonment, then, as a practice of social ordering and geopolitical power,** rather than as a self-contained or foreclosed jurisprudential practice: therein, it is possible to reconceptualize the significance of the Abu Ghraib spectacle as only one signification of a regime of dominance that is neither (simply) local nor (erratically) exceptional, but is simultaneously mobilized, proliferating, and global. The overarching concern animating this essay revolves around the peculiarity of U.S. global dominance in the historical present: that is, given the geopolitical dispersals and dislocations, as well as the differently formed social relations generated by U.S. hegemonies across sites and historical contexts, what modalities of “rule” and statecraft give form and coherence to the (spatial-temporal) transitions, (institutional-discursive) rearticulations, and (apparent) novelties of “War on Terror” neoliberalism? Put differently, what technologies and institutionalities thread between forms of state and state-sanctioned dominance that are nominally autonomous of the U.S. state, but are no less implicated in the global reach of U.S. state formation? The intent of this initial foray into a theoretical project that admittedly exceeds the strictures of a self-contained journal article is primarily suggestive: on the one hand, I wish to examine how the institutional matrix and technological module of the U.S. prison regime (a concept I will develop in the next section of the essay) is a programmatic (that is, strategic and structural rather than conspiratorial or fleeting) condensation of specific formations of racial and white supremacist state violence and is produced by the twinned, simultaneous Kritika Kultura, Issue 9, November 2007 51 logics of social ordering/disruption (e.g. the prison as both and at once the exemplar of effective “criminal justice” law-and-order and culprit in the mass-based familial and community disruption of criminalized populations). On the other hand, I am interested in considering how **the visceral** and institutionally abstracted logic of **bodily domination** that materially forms and reproduces the regime **of the** American **prison is fundamental**, not ancillary, **to U.S.** state-mediated, state-influenced, and state-sanctioned methods of legitimated **“local” state violence across the global horizon**. To put a finer edge on this latter point, it is worth noting that given the plethora of scholarly and activist engagements with U.S. global dominance that has emerged in recent times, and the subsequent theoretical nuance and critical care provided to treatments of (for example) U.S. corporate capital, military/warmaking capacity, and mass culture, relatively little attention has been devoted to the constitutive role of the U.S. prison in articulating the techniques, meanings, and pragmatic forms of state-building within post- 1990s social formations, including those of the U.S.’s ostensible peer states, as well as places wherein militarized occupation, postcolonial subjection, and proto-colonial relations overdetermine the ruling order. In place of considering the U.S. prison as a dynamic, internally complex mobilization of state power and punitive social ordering, such engagements tend to treat the prison as if it were, for the most part, a self-evident outcome or exterior symptom of domination rather than a central, interior facet of how domination is itself conceptualized and produced. In this meditation I am concerned with the integral role of the U.S. prison regime in Kritika Kultura, Issue 9, November 2007 52 the material/cultural production of “American globality.” In using this phrase **I am suggesting a process** and module **of state power** that works, moves, and deploys in ways **distinct from** (though fundamentally in concert with) American (global) **“hegemony,”** and inaugurates a geography of biopolitical power more focused than common scholarly cartographies of American “empire.” For my purposes, American **globality refers to the postmodern production of** U.S. state and state-sanctioned technologies of human and ecological **domination**—most frequently formed **through** overlapping and interacting regimes of profound bodily violence, including **genocidal** and protogenocidal **violence, warmaking,** racist and white supremacist state violence, **and mass-scaled imprisonment**—and the capacity of these forms of domination to be mobilized across political geographies all over the world, including by governments and states that are nominally autonomous of the United States. **American globality is** simultaneously a vernacular of institutional power, an active and accessible iteration of violent human domination as the cohering of sociality (and civil society) writ large, and **a grammar of pragmatic** immediacy (in fact, **urgency**) **that orders and influences statecraft across** various **geographies** of jurisdiction and influence. It is in this sense of globality as (common) vernacular, (dynamic, present tense) iteration, and (disciplining) grammar that the current formation of global order is constituted (obviously) by the direct interventions of the U.S. state and (not as obviously) by the lexicon (as in the principles governing the organization of a vocabulary) of U.S. statecraft. American globality infers how the U.S. state conceptualizes its own power, as well as how these conceptualizations of power and American state formation become immediately useful to—and frequently, structurally and politically overbearing on—other state formations and hegemonies. The prison regime, in other words, is indisputably organic to the lexicon of the U.S. state, and is thus productive of American globality, not a by-product or reified outcome of it. In the remainder of this essay, I raise the possibility that the **U.S. conceptualization of the prison** as a peculiar mobilization of power and domination **is**, in the historical present, **central to how states**, governments, and social orderings **all over the world are formulating their own responses to** the political, ecological, and **social crises** of neoliberalism, **warfare, and global white supremacy.**

### Race NB

#### Prisons are an outgrowth of slavery- the institution causes rampant racism.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Alongside imprisonment’s general structural brutality, abolition merits further consideration as an ethical framework because of the racial subordination inherent in both historical and contemporary practices of incarceration and punitive policing. Michelle Alexander’s The New Jim Crow popularized a critique of incarceration as a means of racialized social control in the United States, but Alexander’s account was preceded and accompanied by earlier historical, psychological, literary, and sociological studies focused on how maintaining social order through incarceration emerged as a way to preserve the power relationships inherent in slavery and Jim Crow; these studies further demonstrate how punitive policing and imprisonment continue to be haunted at their very core by a dehumanizing inheritance of racialized violence.128 These various accounts elucidate how in the immediate aftermath of the Civil War the ascription of criminal status—leading to the classification and separation of citizens and the curtailment of their rights of citizenship—served as an instance of the process Reva Siegel has called “preservation through transformation,” defined as the evolution of a mode of status-enforcing state action in response to contestation of the status’ earlier manifestations (in this case, chattel slavery and later de jure racial segregation).129 Because this history of slavery and Jim Crow’s afterlife in criminal punishment practices is already addressed elsewhere, here I will only briefly examine the racially subordinating structure of punitive policing and imprisonment insofar as it is relevant to an abolitionist framework and ethic.130 The significance of this material from an abolitionist standpoint is that it further underscores the constitutive role of degradation in core U.S. incarceration and punitive policing structures, as they fail to treat targeted persons as fully human and thus deserving of equal dignity and regard. Understanding practices of punitive policing and imprisonment as a legal and political technology developed, in large part, both through and for degradation and racial subordination calls for greater scrutiny of these techniques. In particular, critical analysis must attend to whether the purported ambitions of these techniques are meaningfully achieved and separable so as to disconnect the present applications of punitive policing and incarceration from their brutal racialized pasts. In this Subpart, I argue that the racial legacies of incarceration and punitive policing infect these practices to their core by shaping the tolerated range of violence in criminal law enforcement contexts, as well as by coloring basic perceptions of and ideas about criminality and threat. The racialized dimensions of punitive policing and incarceration are not, of course, merely historical; they are vividly present in, among other places, the continued killings of African American men by white police officers.131 As recently as the 1990s, some Los Angeles police officers referred to cases involving young African American men as “N.H.I.” cases, standing for “no humans involved.”132 In 2003, after a Las Vegas police officer shot and killed a black man named Orlando Barlow, who was on his knees, unarmed, and attempting to surrender, an investigative series by the Las Vegas Review-Journal revealed that the officers in the unit celebrated the shooting by ordering t-shirts portraying the officer’s gun “and the initials B.D.R.T. (Baby’s Daddy Removal Team)—a racially charged term and reference to Barlow, who was watching his girlfriend’s children before he was shot.”133 The acronym B.D.R.T. continues to circulate in police culture, as do the associated racially subordinating associations directed at African American men. For example, online stores that sell police-themed clothing continue to market B.D.R.T. t-shirts, and, in 2011, officers with the Panama City, Florida, Police Department adopted the acronym for their kickball police league team.134 Whereas Alexander argues the legacy and persistence of these dynamics require a social movement to markedly reduce incarceration and disproportionate minority confinement, my analysis entails in addition (or instead) that the structural character of these racial legacies requires a movement committed to the thoroughgoing replacement (and elimination) of these imprisonment and punitive policing practices with other social regulatory frameworks, along with a critique and rejection of many of criminal law administration’s ideological entailments.135 The racialized constitution of imprisonment and punitive policing began in the South even before the Civil War, though in the pre–Civil War period the relatively small population of Southern prison inmates were primarily white, as most African Americans were held in slavery.136 Although the legal institution of slavery was abolished with the end of the Civil War, the work necessary to incorporate former slaves as political, economic, and social equals was neglected, and in many instances actively resisted.137 In particular, criminal law enforcement functioned as the primary mechanism for the continued subordination of African Americans for profit.138 During Reconstruction, Southern legislatures sought to maintain control of freed slaves by passing criminal laws directed exclusively at African Americans.139 These laws treated petty crimes as serious offenses and criminalized certain previously permissible activities, but only for the “free negro.” 140 Specific criminalized offenses included “mischief,” “insulting gestures,” “cruel treatment to animals,” “cohabitating with whites,” “keeping firearms,” and the “vending of spirituous or intoxicating liquors.”141 These “Black Codes” were adopted by legislatures in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.142 These laws quickly expanded Southern inmate populations and transformed them from predominantly white to predominately African American.143 Convict leasing was exempted from the Thirteenth Amendment’s prohibition on slavery, which outlawed involuntary servitude except in the case of those “duly convicted.”144 Criminal law enforcement was then used to return African Americans to the same plantations on which they had labored as slaves, as well as to condemn thousands to convict leasing operations, chain gangs, and prison plantations.145 Even before the Civil War, penitentiaries in the North contained a disproportionate number of African Americans, many of them former slaves.146 New York legislated the emancipation of slaves and the founding of the state’s first prison on the same date in 1796.147 In Alexis de Tocqueville’s and Gustave de Beaumont’s classic 1883 account, On the Penitentiary System in the United States and Its Application in France, the two wrote: “[I]n those [Northern] states in which there exists one Negro to thirty whites, the prisons contain one Negro to four white persons.”148 There are many similarities in form between slavery and the early Northern penitentiaries. Both subordinated their subjects to the will of others, and Southern slaves and inmates alike followed a daily routine dictated by white superiors. 149 Both forced their subjects to rely on whites for the fulfillment of their basic needs for food, water, and shelter. Both isolated them in a surveilled environment. The two institutions also frequently forced their subjects to work for longer hours and less compensation than free laborers.150 Although the basic structure of Northern prisons that purported to rehabilitate through a routine of solitude and discipline may seem at first blush quite removed from the dehumanizing and violent dynamics that characterized the Southern convict experience, one dehumanizing feature remained markedly constant: Even in rehabilitative contexts in the North, the penitentiary aimed to strip and degrade the inmate of his former self so as to reconstitute his being according to the institution’s preferred terms. And as commentators, such as Charles Dickens, noted at the time, the “slow and daily tampering with the mysteries of the brain” entailed by this form of incarceration could be “immeasurably worse than any torture of the body.”151 In the Reconstruction era South, whether sentences were short or long, convicted persons, especially African Americans, were routinely conscripted into vicious conditions of forced labor.152 For example, although the sentence for the crime of intermarriage in Mississippi was confinement in the state penitentiary for life, convictions were often punishable by a fine not in excess of fifty dollars.153 If a person was unable to pay, that person could be hired out to any white man willing to pay the fine.154 Preference was given to the convict’s former master, who was permitted to withhold the amount used to pay the fine from the convict’s wages.155 This common practice resulted in situations where freedmen would spend years, even entire lifetimes, working off their debt for a small criminal fine.156 By contrast to this sort of peonage and criminal surety operation, the convict lease operated through a bidding system wherein companies would offer a set amount of money per day per convict, and the highest bidder would win custody of the group of convicts and be entitled to their labor.157 Leased convicts worked on farms, constructed levees, plowed fields, cleared swampland, and built train tracks across the South.158 They moved from work site to work site, usually in a rolling iron cage, which also served as their living quarters during jobs.159 Convict lessors justified their use of convict labor because they claimed free labor was prohibitively costly; but as bidding expanded, the daily price of a convict’s labor increased and free labor began to compete.160 Eventually, it was this trend toward parity in the cost of free and convict labor, more than any outrage at the brutal exploitation of the convict lease, which led to the abolition of the lease and its replacement by the chain gang.161 Chain gangs, unlike the convict lease, worked on maintaining public roads and performed other hard labor in the public rather than private sector.162 State prisons also directly used African Americans for their labor, working prisoners in the fields for profit and holding them at night in wagons that were guarded by white men with rifles and dogs.163 Some prisons were actually constructed on former plantations, and consisted of vast tracts of land used for farming; white prisoners were appointed to serve as guards or trusties, assistants to the regular prison administrators.164 The state prison plantations could even generate considerable profit. For instance, in 1917, Parchman Prison farm in Mississippi contributed approximately one million dollars to the state treasury through the sale of cotton and cotton seed, almost half of Mississippi’s entire budget for public education that year.165 By 1917, African Americans still represented some ninety percent of the prison population in Mississippi.166 The most dehumanizing abuses in these various settings were directed exclusively at African Americans. 167 Southern states enacted statutes to prohibit the confinement of white and African American prisoners in shared quarters. In 1903, Arkansas, for example, passed a law declaring it “unlawful for any white prisoner to be handcuffed or otherwise chained or tied to a negro prisoner.”168 It is thus that the practices of U.S. criminal law administration were forged through the racial dehumanization of African American people.169 Whereas the connections between slavery and the Northern penitentiary were further removed, the penal state in the South preserved and expanded the African American captive labor force and maintained racial hierarchy through actual incarceration or threat of criminal sanctions, as well as through the conditions of confinement. As recently as 1970, in Holt v. Sarver,170 a District Court in Arkansas upheld the brutal exploitation of working convicts (almost all of whom were African American), concluding that the “[Thirteenth] Amendment’s exemption manifested a Congressional intent not to reach such policies and practices.” 171 The awful mistreatment directed at convicted persons under the convict lease, chain gang, and prison plantations of the South was in these ways inextricably tied to the afterlife of slavery and the failures of abolition as a positive program of the form W.E.B. Du Bois envisioned. In the Northern and the Western United States, prisons were used for solitary work and sought to reform inmates with a strictly controlled routine of labor and bible study. Prisoners were still usually segregated by race; African Americans were often relegated to substandard locations.172 Leasing was applied almost exclusively to African Americans convicted of crimes, because the Leasing Acts set aside prison sentences for persons serving ten or more years, and white convicts generally received more significant sentences because the courts rarely punished whites for less serious crimes.173 Very few whites convicted for petty criminal offenses were sent to prison, and when such sentencing occurred, whites routinely received quick pardons from the governor.174 Beyond criminal punishment, criminal law administration was also entwined with practices of racial subordination through lynching. Even in the North, lynch mobs would gather by the thousands outside the jailhouse or courthouse and wait until African Americans were released from pretrial detention.175 In some cases, criminal law enforcement officials themselves actively participated in the lynch mobs.176 Further instances of the direct entwinement of criminal law administration and overt racial violence abound throughout the twentieth century. Notable examples include the Scottsboro Boys Cases of the 1930s.177 The Scottsboro Cases involved the hurried convictions of nine young African American men, all sentenced to death by white jurors.178 The limited procedural protections afforded to these young men—the mob-dominated atmosphere surrounding their convictions, the denial of the right to counsel until the eve of trial rendering any assistance necessarily ineffective, and the intentional exclusion of blacks from the grand and petit juries that first indicted and later convicted the young men179—and their challenges to the U.S. Supreme Court arguably mark the birth of constitutional criminal procedure.180 This entwinement of racialized violence and the criminal process runs from the 1930s through the end of the twentieth century. It is prominently illustrated by, among other similar episodes, the brutal torture perpetrated against countless African American men over two decades, from the 1970s to 1990s, by white Chicago police officer John Burge and his deputies, who used suffocation, racial insults, burning, and electric shocks to coerce confessions, ultimately leading then-Illinois Governor George Ryan to commute all death sentences in the state.181 These uses of criminal law administration as a central means of resisting the abolition of slavery, Reconstruction, and desegregation, continue to inform criminal processes and institutions to this day by enabling forms of brutality and disregard that would be unimaginable had they originated in other, more democratic, egalitarian, and racially integrated contexts. As W.E.B. Du Bois predicted, this legacy of managing abolition and reconstruction in large part by invoking criminal law in racially subordinating ways, contrasted sharply with a different abolitionist framework, one that would have incorporated freed-persons into a reconstituted democracy: “If the Reconstruction of the Southern states, from slavery to free labor, and from aristocracy to industrial democracy, had been conceived as a major national program of America, whose accomplishment at any price was well worth the effort, we should be living today in a different world.”182 Our historical inheritance and this legacy illuminates the connection between the abolitionist path not taken in the aftermath of slavery and what ought to be an abolitionist ethos in reference to practices of prison-backed criminal regulation today. Instead, as the American economy underwent a shift from industrial to corporate capitalism in the 1970s, resulting in the erosion of manufacturing jobs occupied by poor and working class people in the inner cities, especially African Americans, a distinct underclass emerged, with few options for survival other than low wage work, welfare dependence, or criminal activity.183 This transformation in the U.S. economy contributed substantially to the emergence of a population that would be permanently unemployed or underemployed.184 In turn, federal, state, and local governments invested greater resources in coercive mechanisms of social control,185 prioritizing criminal law enforcement over other social projects, such as urban revitalization and expanded social welfare and education spending.186 In 1972, just before the National Advisory Commission on Criminal Justice Standards and Goals published the 1973 report noted at the beginning of this Article, there were 196,000 inmates in all state and federal prisons in the United States—a population housed in conditions that the Commission believed justified a ten year moratorium on prison construction.187 By 1997, however, the prison population had surged to 1,159,000188 and in 2002 there were a record 2,166,260 people housed in U.S. prisons and jails.189 This rapidly increasing population was characterized, as we now well know, by glaring racial asymmetries: As of 1989, one in four African American men were in criminal custody of some sort.190 In certain municipalities, the imprisonment rates for African Americans were even more striking. In 1991 in Washington D.C., 42.5 percent of young African American men were in correctional custody on any given day.191 In Baltimore during 1990, 56 percent of the city’s African American males between ages eighteen and thirty-five were either in criminal justice custody or wanted on warrants.192 By 2004, more than 12 percent of African American men nationally between the ages of twenty-five to twenty-nine were incarcerated in prison or jail.193 Although rates of incarceration and disproportionate minority confinement have declined very modestly in recent years because of fiscal crises at both the state and federal level, as well as a global decrease in crime, African American men remain subject to criminal confinement and arrest at rates that far exceed their representation in the population.194 Prisoners are generally no longer subjected to chain gangs or hard physical labor for profit, although these practices persisted in certain jurisdictions through the end of the twentieth century.195 Currently, another form of incarceration and punitive policing has emerged, one that effectuates the mass containment and exercises mass racial discipline, leading to the elimination of large numbers of poor and especially poor African American people from the realm of civil society. A felony conviction, disproportionately meted out to African Americans, Latinos, and indigent whites, results in a permanent loss of voting rights in most states, employment bars in numerous professions, and a lifetime ban on federal student aid, among other damaging consequences.196 These consequences further exacerbate the physically segregative effects of incarceration post-release, inhibiting opportunities for meaningful integration available to persons and communities most affected by incarceration.197 These consequences of conviction constitute a basic denial of equal citizenship, and, as such, conviction recreates the civil death associated with enslavement. Further, the criminal process still operates on a for-profit model importantly distinct, but not entirely removed from, earlier systems of confinement for profit that were the direct outgrowth of slavery.198 Prisoners’ labor does not itself directly provide a significant source of profit to a lessor or single business as it once did. Instead, large-scale incarceration—marked by prisoners’ suffering, dehumanization, and violence—generates a market for the construction of facilities to house approximately two million prisoners and jail inmates; the technology and mechanisms to maintain almost seven million persons under criminal supervision; and the employment of thousands of prison guards, prison staff, probation and parole officers, and other penal professionals.199 The large sums of money poured into prisons and criminal surveillance have drawn major firms and a variety of Wall Street financiers to prison construction.200 Underwriting prison construction through private finance and the sale of tax-exempt bonds has served as a lucrative undertaking in itself.201 Though only used to manage a small portion of detention facilities, private corrections corporations, such as Corrections Corporation of America and Wackenhutt, submit bids to governments to manage different detention systems, especially immigration detention, and guarantee to provide these services at a lower cost than the state is able to deliver.202 Additionally, vendors of everything from stand alone cells, hand and foot cuffs, razor wire, and shank proof vests make considerable profits from prisons.203 A single contract to provide prisoners in the state of Texas with a soy-based meat substitute, awarded to VitaPro Foods, went for $34 million per year.204 The profits for phone service inside prison walls make food contracts seem insignificant.205 Meanwhile, prisoners continue to serve as a captive labor force, working for approximately one dollar per hour, and often less.206 Numerous firms use prisoners as a component of their workforce in the United States, as do government entities that use prison labor to manufacture products that are then sold to other government agencies.207 Although prisoners are no longer forced to work by or for the state (as they were in the South well into the twentieth century), the perverse profit motive that spurred the convict lease system with all its horror might be understood in historical context as preserved yet transformed in these various other guises. Criminal fines and fees generate substantial additional revenue for the criminal process itself and for certain municipalities and other jurisdictions.208 And the grossly disproportionate number of African Americans imprisoned, arrested, criminally fined, and stopped by police further accentuates the associations between earlier forms of racialized penal subordination for profit and the contemporary racial dynamics of criminal law administration.209 The deep, structural, and both conscious and unconscious entanglement of racial degradation and criminal law enforcement presents a strong case for aspiring to abandon criminal regulatory frameworks in favor of other social regulatory projects, rather than aiming for more modest criminal law reform. Multiple studies have confirmed the implicit, often immediate, and at times unconscious associations made between African Americans, criminality, and threat.210 These associations, borne of this history, continue to be reproduced by these structures and by the development of punitive policing and incarceration practices that treat certain people as not fully human. To provide but a few examples, psychologists Jennifer Eberhardt, Philip Atiba Goff, and their collaborators studied how individuals in various scenarios determine who “looks like a criminal.” 211 Perhaps not surprisingly, controlling for other factors, the study’s subjects chose people who looked African American, particularly those who looked more “stereotypically” African American and those coded as having more “Afrocentric” features.212 In a similar study, psychologists Brian Lowery and Sandra Graham studied subjects’ responses to juvenile arrestees. When the study’s subjects were primed to understand the youth as African American, the juveniles were judged to be more blameworthy and deserving of harsher and more punitive treatment.213 Consciously expressed egalitarian racial beliefs did not significantly moderate the effects of implicit bias in these contexts.214 Conscious and unconscious biases on the part of police officers often have lethal outcomes. Shooter and weapons biases, for instance, are well-documented. In researching how subjects behave in simulated video game shooting settings, multiple studies have found that the likelihood of shooting a suspect who is armed or possesses a device other than a gun significantly increases when the suspect is African American and decreases when the suspect is white.215 This is true both for white and African American shooters.216 Similarly, psychologist Philip Atiba Goff and his colleagues, in a study examining archival material from actual death penalty cases in Pennsylvania, found that defendants depicted as implicitly “apelike” were more likely to be executed than those who were not; African Americans were more likely to be depicted as implicitly “apelike” than whites.217 Judges, jurors, and prosecutors in related studies likewise reflect considerable racial bias in their determinations at numerous critical stages of the criminal process.218 The landscape of contemporary criminal law enforcement is thus, in significant and fundamental respects, part of the afterlife of slavery and Jim Crow, and this legacy is deeply implicated in criminal law’s persistent practices of racialized degradation. Perceptions of criminality, threat, and the prevalence of violence, informed by these racialized material histories and dehumanizing associations, operate at all levels of criminal law administration, often without the relevant actors’ awareness. This suggests something of how difficult it would be to remove racialized violence from prison-backed policing and imprisonment while retaining these practices as a primary mechanism of maintaining social order. The racialized degradation associated with criminal regulatory practices, then, compels an abolitionist ethical orientation on distinct and additional grounds apart from the general dehumanizing structural dynamics addressed in the preceding Subpart, particularly insofar as there are other available means of accomplishing crime-reductive objectives.

#### Reject racism before other impacts.

Memmi 2k Albert (Profesor Emeritus of Sociology at the University of Paris) RACISM translated by Steve Martinot pp. 163-165

**The struggle against racism** will be long, difficult, without intermission, without remission, probably never achieved, yet for this very reason, **it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism.** One cannot even let the monster in the house, especially not in a mask. **To give it merely a foothold means to augment the bestial part in us and** in other people which is **to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themself] himself an outsider relative to someone else?). **Racism illustrates** in sum, **the inevitable negativity of the condition of the dominated**; that is it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, **we cannot fail to rise to the racist challenge.** However, it remains true that one’s moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism because **racism signifies the exclusion of the other and** his or **her subjection to violence** and domination. From an ethical point of view, if one can deploy a little religious language, racism is “the truly capital sin.”fn22 It is not an accident that almost all of humanity’s spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall,” says the bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. It is an ethical and a practical appeal – indeed, it is a contract, however implicit it might be. In short, **the refusal of racism is the condition for all theoretical and practical morality.** Because, in the end, the ethical choice commands the political choice. **A just society must be a society accepted by all.** If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

## Process CPs Good

### Counter Interp

Counter interp: the neg may read a counterplan that changes the aff punishment mechanism if a) there is an author that discusses the counterplan in the literature and b) it’s unconditional.

1. Depth-the CP collapses the debate into the specifics of the best way to go about doing the aff. This forces nuanced util argumentation about domestic policy. That’s uniquely key on this topic because it specifies the United States whereas most topics are generic. Also key because methods of banning are specific to success of the policy-you deny all solvency discussions about how different policies will pass and fail. Depth is key to education and outweighs breadth: A. in depth focus on issues is most useful since we can get a breadth of info by reading articles but only back and forth in debate can provide us unique debate education, B. breadth is non unique-if we go on depth on different issues every round we’ll get a breadth of info anyway. C. not everyone reads process CPs which means we’ll still get to cover other topics in other rounds which solves your offense.

Education outweighs fairness. A. Schools fund debate-without education we wouldn’t be able to participate. B. No one will care in seven years if this round was fair but we will care if we get portable skills. C. I control the link to the value of debate-flipping a coin is by definition fair but nobody would participate in that world.

2. Ground. Process CPs like this are core neg ground since they check back against unpredictable or well frontlined affs. Outweighs: A. the aff will always be at a structural advantage if I don’t get generic util args because they can pick a hyper specific plan with poor division of ground, B. other generics don’t solve-engaging in the util debate without up-layering ensures I can debate the aff on its own terms without having to resort to framework which can be answered heavily.

### A2 Ground

1. T-the CP is just less of the aff so any reason why the aff is a good thing would answer the CP. This outweighs since you can use the exact rhetoric of the aff to generate offense against the CP.

2. T-the CP punishes people less so you just have to prove that handgun ownership deserves punishment or would create a strong deterrent.

3. T-you get perm ground about why normal means isn’t punishment specific- that outweighs since its devastating for me- if you win the perm then I lose.

4. Solvency advocate proves it’s in the lit so you can just cut cards about it.

5. Being aff means you get to pick the exact area of the debate and pick a plan or framework that gives you great offense- no excuses for picking shitty offense and agreeing to a shitty plan in cross-ex, I can’t be blamed.

6. T-the best divider of the ground is textual competition based on the aff. A. it’s most predictable since the plan text is what we base all debate off of-any further norming makes it hard for me to know what I should be allowed to read which kills fairness since you can always read theory against me. B. the framers design the resolution to create ground for both sides so adhering to that division creates fair and educational debates.

7. T-Unconditionality means you can read 4 minutes of perms and turns and make the 2NR super hard-whatever I undercover you can go for which gives you a quantitative ground advantage over me. That outweighs since I only spent a small portion of the 1NC on the CP strategy but you can devote all of your time to it.

8. Terminal defense- Quality of ground is an inherently subjective metric- some people thinks util is good ground, and others think philosophy is good ground- impact is it’s ridiculous to vote people down for not abiding by our subjective preferences about what is good debate

### A2 Timeskew

1. It’s your fault you didn’t defend the temporality of your plan in the AC
2. the CP evidence indicates that the current feasibility of gun control is a huge question in the topic lit- it’s not my fault they didn’t defend it in the AC
3. purpose of debate strategy is getting a time advantage- only unfair divisions of time change the burden structure- if 1-1 burden structure then time is even
4. reduction ad absurdum- this would mean the neg has to spend time answering every one of the aff’s arguments- kills fairness because they get to choose arguments to extend in the 1AR and make parts of the NC irrelevant- kills education because we can never go in depth on the topic if I have to rebut every part of the case and can’t agree on any starting points for discussion
5. TURN- 1AR only has to justify one minute part of their aff because the neg concedes the majority of their case
6. Generic timeskew answers\*\*\*\*\*

### A2 Predictability

1. Predictability claims are unverifiable- they could have blocks on the issue but just don’t want to read them- don’t vote off unverifiable arguments- if you accuse somebody of abusing you the onus is on you to show that you were abused- impossible for you to do
2. Topic Lit controls determines what is predictable because it’s the only basis for pre-round argument expectations: When we implement the question is a core question of the aff- my solvency advocate proves this is an important consideration.

## Frontlines

### A2 Australia

#### There’s a lot of differences between Australia and other countries – success of their policy can’t be generalized

Leigh and Neill 10 Andrew Leigh, Research School of Economics, Australian National University and Christine Neill, Department of Economics , Wilfrid Laurier University. Do Gun Buybacks Save Lives? Evidence from Panel Data Author(s): Andrew Leigh and Christine Neill Source: American Law and Economics Review, Vol. 12, No. 2 (Fall 2010), pp. 509-557 Published by: Oxford University Press Stable URL: http://www.jstor.org/stable/42705584

Several factors are important in assessing the extent to which the results from the Australian buyback can be extrapolated to other countries. **Australian borders are more easily controlled than in countries that have land borders.** In addition, Australia's government in general and its policing and customs services in particular are highly organized and effective. The NFA also had an extremely high degree of political support and was quite competently executed. And the buyback was accompanied by a uniform national system for licensing and registration of firearms. These factors should be borne in mind in considering the extent to which the results from the Australian NFA might generalize to other countries.

#### Australia’s not equivalent to the United States – the main guns used in murder were *long* guns – handguns were previously restricted

Leigh and Neill 10 Andrew Leigh, Research School of Economics, Australian National University and Christine Neill, Department of Economics , Wilfrid Laurier University. Do Gun Buybacks Save Lives? Evidence from Panel Data Author(s): Andrew Leigh and Christine Neill Source: American Law and Economics Review, Vol. 12, No. 2 (Fall 2010), pp. 509-557 Published by: Oxford University Press Stable URL: http://www.jstor.org/stable/42705584

A possible interpretation of the magnitude of our results is that the guns handed back were not low-risk firearms. The buyback focused mostly on automatic and semi-automatic long guns. **In Australia,** unlike some other countries, **long guns have been the most common type of firearm used in both firearm homicides and firearm suicides, likely because handguns were already quite restricted** well before the NFA. There are no data available on how important semi-automatic guns were in firearm deaths compared with other guns, however. While semi-automatic or automatic guns would be potentially more dangerous in the case of homicides, it is not clear that this would also apply to suicides.

#### There ARE NO DOMESTIC GUN MANUFACTURERS and they are ISOLATED

Leigh and Neill 10 Andrew Leigh, Research School of Economics, Australian National University and Christine Neill, Department of Economics , Wilfrid Laurier University. Do Gun Buybacks Save Lives? Evidence from Panel Data Author(s): Andrew Leigh and Christine Neill Source: American Law and Economics Review, Vol. 12, No. 2 (Fall 2010), pp. 509-557 Published by: Oxford University Press Stable URL: http://www.jstor.org/stable/42705584

It is extremely unlikely that this withdrawal of firearms could have been quickly reversed in Australia. There are no domestic firearms manufacturers, so that all firearms must be imported into the country. Records from the Australian Customs Service show that in the 3 years prior to 1996, Australian firearms imports averaged around 50,000 per year, of which about 25,000 were rifles. After the buyback, average imports fell to about 30,000 per year, of which 10,000 were rifles. Thus, if anything, there appears to have been a slowdown in imports after 1997. Although the available data are incomplete, it appears that law enforcement agencies were responsible for a large percentage of overall purchases. For example, one source indicates that more than one quarter of all handguns purchases in the period 1999-2002 were by law enforcement. Even if we made the extreme assumption that all imported firearms were added to the civilian firearm stock and no firearms were ever destroyed, at current import levels of 30,000 per year it would take around 20 years for the civilian firearm stock to recover to pre-buyback levels. Publicly available data on imports by state suggest there may have been a slight negative relationship between subsequent imports of firearms per capita and the buyback rate - that is, states with a high buyback rate also saw somewhat lower growth in firearm imports. This relationship is not, however, statistically significant, and we do not have information that allows us to separate out civilian purchases from law enforcement and military purchases, so we cannot be sure that this reflects primarily civilian purchases.

### A2 Deters Crime

#### There’s no evidence that prisons deter crime.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Even apart from this concern with the limited frame within which the efficacy question is generally posed, the existing empirical accounts of the relationship of incarceration to crime vary widely and present decidedly mixed results. Several studies identify no relationship between incarceration rates and crime rates,220 while other studies have found a crime drop of anywhere between 0.11 percent to 22 percent associated with a 10 percent increase in incarceration, depending on whether national-level, state-level, county-level or other data is used.221 One study even identified higher crime rates associated with higher incarceration rates in states with relatively high rates of imprisonment.222 Conse- quently, based on the available research, one could contend that a 10 percent increase in incarceration is associated with (a) no decrease in crime rates, (b) a 22 percent lower index crime rate, (c) a 2 percent to 4 percent decrease in crime rates, or (d) a decrease only in property crime but not violent crime.223 In short, to measure and weigh the possible crime reductive effects against the criminogenic and other consequences of incarceration has yet to be accomplished in any comprehensive and definitive manner.224 Further, even if all of the relevant variables could be properly and definitively accounted for, the political and moral significance of crime reduction as compared to other important social goals—such as equality, education, and poverty alleviation—would remain an open political and ethical question.225 To the extent crime prevention is entwined with larger goals of equality or education—for example preventing gender or race-based violence while simultaneously advancing gender or racial equality—crime prevention and reduction should not be pursued in a way that is inattentive to these other goals. In any event, at their best, regression analyses that seek to identify a relationship between crime rates and incarceration provide us with causal inferences about ways the world has behaved in the past. Although an obvious point, it remains an important, often overlooked consideration that these analyses rely on archival data and cannot meaningfully tell us how the world might be reconstituted in the face of significant shifts in social and political organization. In other words, there is nothing in the existing statistical analyses of the crimeincarceration relationship that undermines the interest or urgency of the ethical case for abolition and of other forms of social organization that might result in improved well-being and reduced violence. Additionally, any compelling account of the crime-reductive effects of incarceration ought to also be able to identify a mechanism through which incarceration functions to deter crime, or rehabilitate or incapacitate criminals.226 Any such crime-reductive causal mechanism’s impact will be affected, of course, by those dimensions of incarceration that are undoubtedly criminogenic, including the difficulty formerly incarcerated persons face in finding lawful employment after imprisonment and the vast incidence of unreported rape and other forms of violence inside prisons, to name but a few.227 Those who support incarceration for its supposed deterrent effect generally ground their account on Gary Becker’s writings on the economics of crime.228 In brief, in Becker’s model, raising the costs of criminal activity by imposing a penalty of incarceration will cause a certain number of potential criminals to decide not to pursue criminal activity because they will rationally weigh the costs and benefits of their possible future criminal conduct.229 This model, however, rests on a set of assumptions that apply poorly to many people who are inclined to criminally offend even if the model succeeds in capturing the deterrence of others who avoid criminal activity following cost-benefit calculations. The model assumes (a) that those who break the criminal law rationally calculate the costs and benefits of their intended course of conduct; (b) that they possess information and beliefs that allow them to assume a high likelihood of apprehension and sentencing; and (c) that criminal punishment will render those subject to it no more likely to commit future crimes than they would be otherwise. In fact, each of these assumptions is subject to substantial doubt, especially when considering the class of people prison sentences purport to deter most immediately rather than those who are likely to be law-abiding because of reputational interests, secure employment, family obligations or otherwise.230 Many people who break the criminal laws do so in a condition of severe mental illness, alcohol or drug addiction, or in a state of rage. In these cases, Becker’s assumptions of rational risk calculation are questionable, and hence the deterrent qualities of incarceration will have uncertain, if any, effect on them.231 Other people who break the criminal law surely believe (and often rightly so) that they are unlikely to be apprehended and sentenced. Most cases of child sexual abuse, for instance, go unreported, as do many cases of rape of adults; similarly, people in positions of power who engage in deceptive economic transactions and even many who physically harm others routinely evade any adverse consequence.232 What is more, criminal punishment may make those who are imprisoned more, rather than less, likely to reoffend. As discussed above, incarceration produces a set of destructive consequences for both the incarcerated and their communities, consequences that may tend to increase rather than decrease crime.233 This is not to say that incarceration has no deterrent impact,234 but that the assumptions of deterrence theory fail to apply to the large class of persons at whom criminal sanctions are directed, even if deterrence is effective in other cases. And any deterrent potential of punitive policing and imprisonment should be assessed bearing in mind the dehumanizing, racially degrading, violent, and otherwise destructive dimensions of these practices.235Further questions apply to incarceration’s purportedly incapacitating effects. By removing people from their home communities and transferring them into prison, incarceration generally prevents prisoners from committing crimes outside prison. But prison itself is a place where interpersonal violence, theft, and abuse are rampant and largely unreported.236 Therefore, incarceration does not necessarily reduce or incapacitate the commission of crime, but rather changes its location. In this respect, the argument for incapacitation reveals the disregard for the humanity of incarcerated persons that is inherent in the basic structure of U.S. penal discourse: This discourse only (or primarily) counts crime as significant if it occurs outside prison. Yet approximately 216,000 sexual assaults occurred in U.S. prisons in 2008, making prisons perhaps the most sexually violent place in the country, a site of serial rape.237 A further complicating factor for any account of incarceration’s incapacitating effects is that, insofar as imprisonment is criminogenic, it may reduce crime outside prison during the time a person is incarcerated, but it may likewise exacerbate that person’s likelihood of committing a criminal offense post-release.238 Although there is some evidence that rehabilitative programming in prison reduces recidivism relative to incarceration in harsher, more punitive conditions, this does not demonstrate that imprisonment is more rehabilitative than other modes of social response outside of the prison setting.239 In fact, there is good reason to think that interventions that address addiction or provide educational opportunities would more likely enable different patterns of behavior upon release if they occurred in a context more closely parallel to one that persons would live within over the longer term rather than solely within the context of incarceration. 240 This is not to deny the relative benefits of minimum security confinement with opportunities for education and addiction recovery programming over, for instance, long-term solitary confinement (a reform not inconsistent with abolitionist aims), but instead to suggest that there is no persuasive evidence that rehabilitative incarceration is more likely to produce desired results than an alternative array of interventions not organized around imprisonment. Accordingly, although various studies have attempted to demonstrate the crime-reductive effects of carceral sentencing through analysis of large datasets of reported crime and incarceration rates, as well as by using theoretical models of incarceration’s crime-reductive mechanisms, it remains the case, as economist John Donohue explains, that “the empirical literature has not yet generated clear and unequivocal answers to these key questions.”241 In particular, it is unclear whether “a reallocation of resources to alternative crime-fighting strategies would achieve the same benefits [of incarceration] at lower social costs . . . .”242 In economic terms, these analyses do not capture the potential opportunity costs of achieving order maintenance through prison-backed criminal law enforcement and incarceration, rather than through other means.243 There is compelling evidence that the opportunity costs of allocating public resources to incarceration are immense. Nobel Prize-winning economist James Heckman has found, for example, spending on early childhood education for disadvantaged children produces much higher returns than criminal law enforcement expenditures.244 To properly assess the desirability of incarceration relative to alternatives such as Heckman’s, one must also consider the enormity of the economic resources allocated to imprisonment and punitive policing. In 2008, U.S. federal, state, and local governments spent approximately $75 billion on corrections, primarily on incarceration.245 Expenditures on incarceration are particularly concentrated on disadvantaged populations from narrowly confined geographic areas. In certain blocks in Brooklyn, New York, for instance, the state has spent multiple millions of dollars per block per year to confine people in prison. 246 Similarly, Pennsylvania taxpayers have spent over $40 million per year to imprison residents from a single zip code in a Philadelphia neighborhood, where 38 percent of households have annual incomes under $25,000.247 Likewise, in one neighborhood in New Haven, Connecticut, the state spent $6 million per year to return people to prison for technical parole and probation violations.248 According to one recent study, reducing the incarcerated population convicted only of nonviolent offenses by half would result in cost savings of approximately $16.9 billion annually, without any significant associated decrease in public safety.249 It also bears noting that much crime goes unreported, unmentioned, hidden by the shame associated with victimization or as a result of other fears, including the fear of sending loved ones to prison.250 These forms of violence are not meaningfully accounted for in the existing analyses of incarceration’s efficacy. Indeed, much of the violence police inflict on young African American men during police searches and seizures is not even understood as criminal.251 The same could be said of myriad forms of harm inflicted upon the relatively powerless and dispossessed by those who escape entirely censure or redress. A poem attributed to an anonymous poet of the 1700s, and circulated variously in prison writing since, captures this final point well: The law will punish a man or woman who steals the goose from the hillside, but lets the greater robber loose who steals the hillside from the goose.252 In a speech to inmates in Cook County Jail in 1902, Clarence Darrow conveyed a similar abolitionist insight in these terms: The only way in the world to abolish crime and criminals is to abolish the big ones and the little ones together. Make fair conditions of life. Give men a chance to live. . . . There should be no jails. They do not accomplish what they pretend to accomplish. . . . They are a blot upon any civilization, and a jail is an evidence of the lack of charity of the people on the outside who make jails and fill them with the victims of their greed.253 In sum, the evidence as to whether incarceration and prison-backed policing meaningfully make us more secure is mixed at best, at least when the broader harmful effects of incarceration are accounted for, along with crime that occurs in areas, forms, and among populations where it currently goes unreported, unnoticed, and unaddressed.

#### Mild punishment creates more attitude change than harsh punishment.

Aronson 99 Elliot Aronson [Professor Emeritus @ UC Santa Cruz, named in 100 most eminent psychologists of 20th century; only person to receive American Psychological Association (APA) awards for distinguished writing, teaching, research] The Social Animal, Eighth Edition. New York: Worth, 1999. NP 3/30/99

Insufficient Punishment. Thus far, I have been discussing what happens when a person's rewards for saying or doing something are meager. The same process works for punishment. In our everyday lives, we are continually faced with situations wherein those who are charged with the duty of maintaining law and order threaten to punish us if we do not comply with the demands of society. As adults, we know that if we exceed the speed limit and get caught, we will end up paying a substantial fine. If it happens too often, we will lose our licenses. So we learn to obey the speed limit when there are patrol cars in the vicinity. **Youngsters** in school know **that if they cheat** on an exam **and get caught, they could be** humiliated by the teacher and **severely punished.** So they learn not to cheat while the teacher is in the room watching them. But does **harsh punishment** teach them not to cheat? I don't think so. I think it **teaches them to try to avoid getting caught**. In short, **the use of** threats of **harsh punishment as a means of getting someone to refrain from doing something** he or she enjoys doing **necessitates constant harassment and vigilance. It would be much more ef- ficient** and would require much less noxious restraint **if**, somehow, **people could enjoy doing those things that contribute to** their own health and welfare—and to **the** health and **welfare of others**. If children enjoyed not beating up smaller kids or not cheating or not stealing from others, then society could relax its vigilance and curtail its punitiveness. It is extremely difficult to persuade people (especially young children) that it's not enjoyable to beat up smaller people. But it is conceivable that, under certain con- ditions, they will persuade themselves that such behavior is unen- joyable. Let's take a closer look. **Picture** the scene: **You are the parent of a** 5-year-old **boy who enjoys beating up his** 3-year-old **sister.** You've tried to reason with him, but to no avail. So, to protect the welfare of your daughter and to make a nicer person out of your son, you begin to punish him for his aggressiveness. As a parent, you have at your disposal a number of punishments that range from extremely mild (a stern look) to extremely severe (a hard spanking, forcing the child to stand in the corner for 2 hours, and depriving him of tele- vision privileges for a month). The more severe the threat, the greater the likelihood that the youngster will mend his ways while you are watching him. But he may very well hit his sister again as soon as you turn your back. **Suppose** instead **you threaten him with a very mild punishment**. **In either case** (under the threat of severe or mild punishment), **the child** experiences dissonance. He **is aware that he is not beating up his** little **sister and he** is also **aware** that **he would** very much **like to beat her up. When he has the urge to hit his sister and doesn't, he asks himself,** in effect, **"How come I'm not** beating up my little sis- ter?" **Under a severe threat, he has a ready-made answer in the form of sufficient external justification: "I'm not beating her up because, if I do, that giant over there (my father) is going to spank me**, stand me in the corner, and keep me from watching TV for a month." **The severe threat has provided** the child **ample external justification** for not hitting his sister while he's being watched. **The child in the mild-threat situation experiences dissonance**, too. But **when he asks** himself, **"How come I'm not beating up my** little **sister?" he doesn't have a good answer because the threat is so mild** that **it does not provide abundant justification.** **The child is not doing something he wants to do**—and **while he does have some justification for not doing it, he lacks complete justification**. In this situation, he continues to experience dissonance. He is unable to reduce the dissonance by simply blaming his inaction on a severe threat. **The child must find a way to justify the fact that he is not aggressing against his little sister. The best way is to** try to **convince himself that he really doesn't like to beat his sister up, that he didn't want to do it in the first place**, and that beating up little kids is not fun. **The less severe the threat, the less external justification; the less external justification, the greater the need for internal justification. Allowing** people **the opportunity to construct their own** inter-Self-Justification 217 nal **justification can be a large step toward helping them develop a permanent set of values.**

#### Recidivism specifically has terrible spillover effects in society, increasing overall crime because criminals commit crimes again which spreads criminal socialization.

Stravinska 9 Stephanie (Pace University). “Lower Crime Rates and Prisoner Recidivism.” Pace University Honors College Thesis (2009). NP 3/15/16

Based upon the statistics, it is evident that the recidivism rate is highly threatening to public safety. Many prisoners often return to the impoverished communities that they had once resided in. These communities becoming breeding grounds for fragmentation and exert a negative influence for other residents. Characteristics such as poverty, ethnic composition, and residential instability by the influence of crime creat[ing] a “tipping point” in the neighborhood [so it]. This means that a neighborhood is no longer able to positively influence the residents [or] through the creation of an infrastructure that promotes social cohesion. Migration in and out of communities occurs because those who do not want to live in crime infested communities and can afford to move out, mak[es]ing these communities more isolated and depressed. With a lack of positive influences, young people must become “street smart” in order to survive.

Recidivism turns deterrence –individuals are more likely to get more guns illegally later on and commit more violent crimes which outweighs on scope since it’s multiple instances of violence rather than one. Recidivism also controls the internal link to other crime impacts because it causes spillover effects and a general collapse of deterrence in communities, so no gun control policies can be successful, which is terminal defense to the AC.

#### Deterrence theory is flawed – stricter punishments don’t impact people’s decisions to commit crimes: three warrants.

Wright 10 Valerie. Deterrence in Criminal Justice Evaluating Certainty vs. Severity of Punishment Valerie Wright, Ph.D. November 2010 . NP 3/17/16

One problem with [1] deterrence theory is that it assumes that human[s] beings are rational actors who consider the consequences of their behavior before deciding to commit a crime; however, this is often not the case. For example, half of all state prisoners were under the influence of drugs or alcohol at the time of their offense.1 Therefore, it is unlikely that such persons are deterred by either the certainty or severity of punishment because of their temporarily impaired capacity to consider the pros and cons of their actions. Another means of understanding why deterrence is more limited than often assumed can be seen by considering the dynamics of the criminal justice system. [2] If there was 100% certainty of being apprehended for committing a crime, few people would do so. But since most crimes, including serious ones, do not result in an arrest and conviction, the overall deterrent effect of the certainty of punishment is substantially reduced. Clearly, enhancing the severity of punishment will have little impact on people who do not believe they will be apprehended for their actions. [3] Economists often come to different conclusions than criminologists on the value of harsher sentences in reducing crime. While criminologists tend to regard various legal threats as the result of a complex and unpredictable process, economists approach the issue along the lines of a rational choice perspective that considers the risk and benefits of engaging in crime; sanctions merely represent the expected price of engaging in criminal behavior. In critiquing this perspective, Michael Tonry, a leading scholar on crime and punishment, contends that “Such research is incapable of taking into account whether and to what extent purported policy changes are implemented, whether and to what extent their adoption or implementation is perceived by would-be offenders, and whether and to what extent offenders are susceptible to influence by perceived changes in legal threats. At the very least, macro-level research on deterrent effects should test the null hypothesis of no effect rather than the price theory assumption that offenders’ behavior will change in response to changes in legal threats.”2 **[3]** Another problem in assessing deterrence is that in order for sanctions to deter, potential offenders must be aware of sanction risks and consequences before they commit an offense. In this regard, research illustrates that the general public tends to underestimate the severity of sanctions generally imposed.3, 4 This is not surprising given that members of the public are [is] often unaware of the specifics of sentencing policies. Potential offenders are also unlikely to be aware of modifications to sentencing policies, thus diminishing any deterrent effect. The absence of such data on awareness of punishment risks makes it difficult to draw conclusions regarding the deterrent effects

#### Deterrence is irrelevant – we both ban manufacture so people can’t access guns legally and buying them illegally becomes nearly impossible

Cook et al 07Philip J. Cook, Jens Ludwig, Sudhir Venkatesh and Anthony A. Braga. The Economic Journal, 117 (November), F558–F588. The Author(s). Journal compilation Royal Economic Society 2007. Published by Blackwell Publishing, 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Malden, MA 02148, USA. UNDERGROUND GUN MARKETS\* Philip J. Cook, Jens Ludwig, Sudhir Venkatesh and Anthony A. Braga <http://home.uchicago.edu/ludwigj/papers/EJ_gun_markets_2007.pdf> NS 1/9/16.

**The illegality of the gun market** in Chicago **creates information problems in matching prospective buyers and sellers. Neither side of the market can take advantage of the well-developed infrastructure for legal advertising**. In addition **the illegality of the market means that participants do not have recourse to the courts to enforce transactions.** The risk of theft, arrest, injury or even death associated with exchange means that buyers and sellers will want to obtain additional information about the characteristics of their trading partners. Matches of buyers to sellers will differ in quality depending on the degree to which one knows one’s trading partner, or knows those who know one’s trading partner. Given the information requirements and scarcity associated with exchange in the underground gun market, economic models that emphasise search costs are a natural starting point for understanding the source of

#### The evidence flows neg – we don’t have to rely on long sentences to decrease crimes

Wright 10, Valerie. Deterrence in Criminal Justice Evaluating Certainty vs. Severity of Punishment Valerie Wright, Ph.D. November 2010 . NP 3/17/16.

Existing evidence does not support any significant public safety benefit of the practice of increasing the severity of sentences by imposing longer prison terms. In fact, research findings imply that increasingly lengthy prison terms are counterproductive. Overall, the evidence indicates that the deterrent effect of lengthy prison sentences would not be substantially diminished if punishments were reduced from their current levels. Thus, policies such as California’s Three Strikes law or mandatory minimums that increase imprisonment not only burden state budgets, but also fail to enhance public safety. As a result, such policies are not justifiable based on their ability to deter. Based upon the existing evidence, both crime and imprisonment can be simultaneously reduced if policy-makers reconsider their overreliance on severity- based policies such as long prison sentences. Instead, an evidence-based approach would entail increasing the certainty of punishment by improving the likelihood that criminal behavior would be detected. Such an approach would also free up resources devoted to incarceration and allow for increased initiatives of prevention and treatment.

T – there’s more enforcement in my world since trials take a while and it’s easier to fine people and confiscate guns – increasing the feeling that individuals will get caught rather than severity of the punishment is more important since a) people must feel that there’s a chance they’re caught, and b) my advocacy has a greater scope than yours

#### Incarceration doesn’t deter crime – people are more likely to reoffend

Lipsey 7, Mark (Director of the Center for Evaluation Research and Methodology and Research Professor at the Vanderbilt Institute for Public Policy Studies) and Francis T. Cullen (Distinguished Research Professor of Criminal Justice at the University of Cincinnati). “The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews.” Annual Review of Law and Social Science (2007): 297-320. DL

A second area of research has examined the impact of prison sentences on recidivism. As Levitt (2002, p. 443) noted, “it is critical to the deterrence hypothesis that longer prison sentences be associated with reductions in crime.” However, the results are not supportive of the view that incarceration dissuades offenders from reoffending after they are released. Sampson & [Laub's (1993)](javascript:void(0);) longitudinal study using the Gluecks’ Boston-area data showed that imprisonment increased recidivism by weakening social bonds (e.g., decreased job stability). Using a matched sample of felony offenders in California, [Petersilia et al. (1986)](javascript:void(0);) found that those sent to prison had higher recidivism rates than those placed on probation. More recently, [Spohn & Holleran (2002)](javascript:void(0);) found a similar result for a sample from Jackson County, Missouri. Studies from Canada ([Smith 2006](javascript:void(0);)) aand the Netherlands ([Nieuwbeerta et al. 2006](javascript:void(0);)) also show a criminogenic effect of imprisonment. As might be anticipated, none of the meta-analyses of studies of this sort (summarized in [Table 1](javascript:popRef('t1'))) found mean recidivism reductions for correctional confinement. The two meta-analyses that found essentially zero effects focused on boot camps, which feature relatively short-term custodial care. Those summarizing studies of incarceration compared with community supervision, or longer prison terms compared with shorter ones, all found that the average effect was increased recidivism. Methodologically rigorous studies of the effects of incarceration are especially difficult to conduct—random assignment of convicted offenders to either prison or a nonprison alternative is not generally viewed as an acceptable sentencing procedure. The quasi-experimental studies that address this issue, however, **use** varied methods with different strengths and weaknesses. It is notable that no systematic synthesis of research finds generally favorable effects on recidivism.

### A2 1990s proves

#### Correlation not causation – the crime drop in the 90s was due to factors besides retributive policies.

Przybylski 8 Roger (RKC Group). “What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs.” Report prepared for the Colorado Division of Criminal Justice, February 2008 DL

The drop in crime that most jurisdictions experienced in the 1990s is primarily due to factors other than incarceration. Studies that have focused on explaining the drop in crime have consistently concluded that incarceration has played a role in the crime drop but that social, policing and other factors together are responsible for at least two-thirds and arguably much more of the overall crime decline.

### A2 “Military Industrial Complex Turns Prison”

1. My impacts are immediate, whereas yours require a long period of time to internalize values since people don't decide to oppose guns the moment the government changes their mind, so even if you solve eventually, it’s insufficient to solve impacts between now and 10 years later
2. My impacts indict your ability to solve militarism – this comes first since it’s immediate – people are incarcerated right now -- your impact can’t solve for mine if it hasn’t happened yet
3. The military industrial complex is expansive and multifaceted – you only solve for aspects of militarism that cause people to use violence against others, but state militarism is distinct since it relies on government interests; your evidence indicates that the system’s corrupt which means public views don’t spill over to the government, so there’s no spillover from banning guns to prison culture
4. History disproves the impact – Obama passed stricter handgun laws but the prison industrial complex still exists
5. The prison industrial complex exists for reasons beyond militarism – racism and monetary incentive fuel desire to incarcerate, so you can’t solve for the majority of my harms.

### A2 “Rich People Get Guns”

1. Non-unique and turn - things like plea bargaining disadvantage impoverished people who are more likely to go to jail, rich people with good defenders and avoid punishment anyway, by evading trials. Without prison, manipulation of the system is harder, which means there’s only punishment in my world
2. T – jury trials mean that rich people who can present themselves well rarely get charged since juries can nullify
3. There are no guns to buy – I shut down the primary market and production of guns
4. Confiscation’s sufficient deterrence – people won’t want guns if they’re continuously taken away

### A2 “Strong Stance”

#### This just begs the question- sure, we should oppose violence, but we obviously shouldn’t do things like torture gun owners or kill them all – the tiebreaker is whether or not it increases prison culture

1. T –taking a strong stance against violence is important, not guns, that’s what the Giroux evidence indicates – your failure to take a stance against all forms of violence makes strong senses self-defeating and contradictory, decreasing public legitimacy
2. Non-unique – I take a storng stance against prisons, so it’s a strength of link question. I win – we both reject handgun ownership, I reject prisons too.
3. T – I impact turn the idea that imprisonment is the correct form of strong stances; we must stop thinking that prison is the ultimate tool to reject social problems - prisons solve shit.

ECC. What is the Prison Industrial Complex?. The Empty Cages Collective. [www.prisonabolition.org/what-is-the-prison-industrial-complex/](http://www.prisonabolition.org/what-is-the-prison-industrial-complex/) NP 3/19/16.

What impact does the Prison Industrial Complex have? Prisons perpetuate and enable violence – putting someone in a cage is violent in itself. Prisoners experience violence in prisons themselves through physical and psycho-emotional assault, sexual assault and rape, harassment and neglect of many needs, especially health needs. Violence is also manifested in huge patterns of self harm and suicide, inside and outside prison, before and after sentences and interactions with the ‘criminal justice’ system. Families, lovers and friends of those subjected to the prison industrial complex are also harmed through our culture of locking people up. Thousands of relationships are daily affected as people are separated from their communities. Individuals can loose their jobs, homes and possessions, as well as loose or deeply effect their relationships with children, parents and other family, lovers, friends and social ties. Our current system does not meet the needs of individuals who have experienced harm either. Individuals and communities fail to feel safer with the growth of prisons and the prison industrial complex. The legal system is exclusive, intimidating, ineffective at meeting people’s needs and supporting their confidence that harm will be reduced. Instead of asking, ‘Who did it and how can we punish them?’ which is the function of our courts, we ask ‘Who was hurt? How can we support their healing? How can we prevent such harm in the future?’ How can we reduce harm? Rose WireAs a collective we are not blind to the fact that crimes committed by many people who end up in prison can and do harm other people, for example we would never minimise the harm of being raped, the feeling of violation through experiencing a robbery, the life-long memory of assault and so on. However we also recognise that the state is also responsible for harm, for example imprisoning people, enacting policy that creates and perpetuates poverty, war and more, and these two aspects – interpersonal harm and state harm are interlinked. We do not believe, nor is there evidence, that policing and imprisonment reduces harm. Caging people does not solve the social spirals of erosion in our societies that lead to harm such as drug abuse, poverty, violence, psycho-emotional health, or other aspects of oppression in our cultures which perpetuate harm. Therefore as abolitionists we commit to designing and working for safe communities that genuinely reduce harm.